

395.016 Notice of hearing of application.

- (1) (a) When a hearing is ordered by the court, notice of the hearing on an application for the appointment of a fiduciary, or petition for the probate of a will, shall be given by mailing written notice of the time, place, and purpose of the hearing at least five (5) days before the hearing.
- (b) Proof of notice shall be by:
 1. Certified mail, return receipt requested; or
 2. The applicant's written and dated declaration in conformity with the requirements of a declaration under KRS 395.015(4) that notice of the hearing was mailed to each of the parties in a sealed envelope, postage prepaid, and the date when posted.
- (c) Proof of notice shall be filed at the time of the hearing.
- (2) If all parties entitled to notice are under no disability and waive notice in writing, the court may hear the application as if notice had been given. The waiver of notice may be filed before or at the time of the hearing.
- (3) A minor over fourteen (14) years of age may waive notice of the hearing if he or she is present in person at the hearing.
- (4) In any estate where the gross amount involved is less than five thousand dollars (\$5,000) the court, in its discretion, may dispense with the notice requirements of this section.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 134, sec. 5, effective July 15, 2026. -- Amended 1982 Ky. Acts ch. 141, sec. 106, effective July 1, 1982; and ch. 277, sec. 9, effective July 15, 1982. -- Amended 1974 Ky. Acts ch. 315, sec. 84. -- Created 1942 Ky. Acts ch. 167, sec. 7.

Note: 1980 Ky. Acts ch. 396, sec. 119 would have amended this section effective July 1, 1982. However, 1980 Ky. Acts ch. 396 was repealed by 1982 Ky. Acts ch. 141, sec. 146, also effective July 1, 1982. Also 1982 Ky. Acts ch. 277, sec. 10, purported to amend this section as it was amended by 1980 Ky. Acts ch. 396 but this amendment was not compiled.