

395.120 Oaths of representatives.

- (1) If the court requires a hearing for the appointment of the fiduciary, each executor, administrator, curator, and administrator with the will annexed or de bonis non shall take an oath before the court in which the application for appointment is made to faithfully perform the duties of his or her office to the best of his or her judgment.
- (2) (a) The oaths required of the executor, administrator, curator, and administrator with the will annexed or de bonis non may be satisfied by execution of the following declaration:
 - "1. I, the undersigned, agree to faithfully perform the duties of the office as required by law, including but not limited to:
 - a. Deposit all funds which come into my hands in a lawful depository located within this Commonwealth and provide canceled checks as may be required to prove accounts;
 - b. Keep estate funds in separate estate accounts at all times during the administration of the estate;
 - c. Invest all funds in a lawful manner;
 - d. Make and file all required documents when due as required by law;
 - e. File all tax documents as required by law;
 - f. Maintain adequate insurance to reasonably protect any property that I may hold as a fiduciary; and
 - g. Obey all orders of the court;
 2. I, the undersigned, understand I am subject to removal as the fiduciary if I fail to perform the duties required of me under the laws of this state and that I am subject to possible fines, and civil and criminal penalties for improper conversion of the property that I hold as fiduciary; and
 3. If applicable, I, the undersigned, declare that my intestate, so far as I know or believe, died without leaving a will."
- (b) The oath sworn or affirmed in the presence of a notary public, or the declaration if authorized by the court, shall be presented to the appropriate clerk of the court with the fiduciary's application for appointment.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 134, sec. 10, effective July 15, 2026. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3841.