

395.130 Bond, when required -- Cost of corporate surety paid from estate.

- (1) No bond shall be required of a personal representative appointed under this chapter except as provided in subsection (2) of this section.
- (2) The court shall order a surety bond of a personal representative appointed under this chapter when the:
 - (a) Appointment is of a public administrator under KRS 395.380 or a curator under KRS 395.410; or
 - (b) Court, in its discretion, determines that a surety bond is required to adequately protect all interests in the estate. In exercising its discretion under this paragraph, the court may consider the:
 1. Expression of intent of the testator under a will or trust; however, notwithstanding any other law to the contrary, the court shall not be bound by the expressed intent; and
 2. Experience of the personal representative, including whether or not the personal representative is acting as a fiduciary in any other matter.
- (3)
 - (a) Every fiduciary of whom surety bond is required under subsection (2) of this section shall provide the surety bond as ordered by the court.
 - (b) On motion of any interested party the court may:
 1. Reduce or increase the amount of the surety bond; or
 2. Permit the substitution of another surety bond with the same or different sureties.
- (4) If an executor does not give surety bond when required to do so, he or she shall not be authorized to act as executor, and, if he or she has already been appointed, shall be removed.
- (5) Whenever any personal representative, guardian, conservator, or fiduciary who is required by law to execute a surety bond for the faithful discharge of his or her duties or fulfillment of his or her trust, procures as surety on his or her bond an incorporated surety company authorized to do business in this state, the necessary and reasonable cost incident to the surety bond shall be a lawful charge against the estate in the hands of the fiduciary, as other expenses of administration, and in his or her settlement the fiduciary shall be entitled to credit by the amount actually paid by him or her for that purpose, subject to the approval of the court which has approved the surety bond.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 134, sec. 11, effective July 15, 2026. -- Amended 2014 Ky. Acts ch. 25, sec. 112, effective July 15, 2014. -- Amended 1982 Ky. Acts ch. 141, sec. 107, effective July 1, 1982. -- Amended 1970 Ky. Acts ch. 257, sec. 3. - - Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3837, 3837a, 3887.

Legislative Research Commission Note (7/12/2006). 2006 Ky. Acts ch. 247 instructs the Reviser of Statutes to adjust KRS references throughout the statutes to conform with the 2006 renumbering of the Financial Services Code, KRS Chapter 286. Such an adjustment has been made in this statute.

Note: 1980 Ky. Acts ch. 396, sec. 120 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.