

395.140 Delivery of surety bond to court -- Persons not to be surety on -- Recording.

- (1) All fiduciaries required to execute a surety bond shall deliver to the clerk of the court of the county in which he or she is appointed a surety bond payable to and with the Commonwealth, subscribed to by the principal and sureties in the presence of a notary, in the amount, and with sufficient sureties, as may be approved by the court in its order of appointment.
- (2) The District Court shall not accept as surety, in any surety bond of a personal representative, any master or other commissioner whose duty is to settle the accounts of personal representatives, or any judge or clerk of a District Court or practicing attorney of that court.
- (3) The surety bond shall be filed by the clerk in his or her office in a record maintained for that purpose.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 134, sec. 12, effective July 15, 2026; and ch. 134, sec. 127, effective July 15, 2026. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 385, effective January 2, 1978. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3838, 3867.

Legislative Research Commission Note (7/15/2026). This statute was amended in a very similar manner in two separate sections of 2026 RS SB 50 (2026 Ky. Acts ch. 134, secs. 12 and 127). The only direct textual conflict occurred in subsection (1), which begins with "A fiduciary..." in Section 12 of that Act and "All fiduciaries..." in Section 127. All other amendments are either identical or can be easily incorporated together. Because the plural includes the singular, "All fiduciaries" has been codified in subsection (1) of this statute.