

395.617 Proposed periodic or final settlement -- Requirements.

- (1) A fiduciary may, prior to filing a periodic or final settlement and prior to a distribution of assets, file with the court a proposed periodic or final settlement within the time prescribed for filing settlements in KRS 395.610.
- (2) The proposed settlement shall be set for hearing, and in addition to the notice given as provided in KRS 395.625 as for any other settlement, the fiduciary shall notify all beneficiaries of the estate, other than nonresiduary legatees who have received and receipted for their legacies, by certified mail, return receipt requested, at least twenty (20) days prior to the hearing date.
- (3) The proposed settlement shall comply with the requirements for periodic and final settlements in KRS 395.610, except the proposed settlement shall also indicate any assets anticipated to be received subsequent to filing the proposed settlement and prior to the filing of the periodic or final settlement and the proposed distribution of all or a portion of the assets. Documentation supporting receipts and past disbursements shall not be required to be filed with the proposed settlement unless ordered by the court if exceptions are filed.
- (4) At the hearing, if no exceptions are filed, the proposal, if made according to law, shall be approved. If exceptions are filed, other evidence besides that reported may be heard, and the court shall, upon the whole case, reject, confirm, alter, or amend the proposal.
- (5) Following the entry of an order approving, confirming, or amending the proposed settlement, the fiduciary shall disburse the assets in accordance with the order. Following the distribution, the fiduciary shall file a settlement accompanied by documentation showing that distribution was effected in conformity with the order approving, confirming, or amending.
- (6) An aggrieved party may, no later than thirty (30) days from the entry of the order upon the proposed settlement, institute an adversary proceeding in Circuit Court pursuant to KRS 24A.120(2).

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 134, sec. 24, effective July 15, 2026. -- Amended 1998 Ky. Acts ch. 517, sec. 11, effective September 1, 1998. -- Created 1992 Ky. Acts ch. 218, sec. 1, effective July 14, 1992.

Legislative Research Commission Note (6/24/2003). Under the authority of KRS 7.136, the Reviser of Statutes has changed a reference in subsection (2) of this section from "KRS 24A.120(1)(b)" to "KRS 24A.120(2)."