

CHAPTER 362

(SB 262)

AN ACT relating to the administration of estates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 391.030 is amended to read as follows:

- (1) Except as otherwise provided in this chapter, where any person dies intestate as to his *or her* personal estate, or any part thereof, the surplus, after payment of funeral expenses, charges of administration, and debts, shall pass and be distributed among the same persons, and in the proportions, to whom and in which real estate is directed to descend, except as follows:
 - (a) The personal estate of an infant shall be distributed as if he *or she* had died after full age.
 - (b) An alien may be distributee as though he *or she* were a citizen.
 - (c) Personal property or money on hand or in *a* bank *or other depository* to the amount of *fifteen*~~seven~~ thousand~~five hundred~~ dollars (*\$15,000*)~~(\$7,500)~~ shall be exempt from distribution and sale and shall be set apart by the District Court having jurisdiction over the estate on application to the surviving spouse, or, if there is no surviving spouse, to the *surviving* children~~surviving~~.
- (2) The surviving spouse~~of any deceased person~~ may, at any time before the property or money is set apart by the court, procure on petition from the judge of the District Court having jurisdiction over administration of *the*~~his~~ estate, an order authorizing *the surviving spouse*~~him~~ to withdraw from any bank or other depository not exceeding one thousand dollars (\$1,000) belonging to the estate of the deceased. Upon presentation of the order, the bank or depository shall permit *the surviving spouse*~~him~~ to withdraw the sum and shall lodge the order, endorsing thereon the amount withdrawn, with the circuit clerk *who*~~and he~~ shall retain it in his *or her* files to be considered in connection with further proceedings in the estate and the withdrawal shall be treated as a charge against the property of the estate exempt from distribution.
- (3) In the application for the setting apart of property or money under *subsection (1)* of this section, the surviving spouse~~or~~ or, if there is no surviving spouse, the *surviving* children may make their selection out of the personal property of the estate to the extent that the value of the property selected does not exceed the amount of *fifteen*~~seven~~ thousand~~five hundred~~ dollars (*\$15,000*)~~(\$7,500)~~.
- (4) The exemption provided in this section applies where the husband or wife dies testate.

Section 2. KRS 395.605 is amended to read as follows:

- (1) Upon the sworn application of any fiduciary, that the fiduciary is the sole beneficiary of any estate, the court may dispense with the requirements of this chapter regarding settlement of fiduciaries' accounts and may dispense with the requirements of a surety for the fiduciary and shall accept from the fiduciary an informal settlement. The informal settlement shall be made, under oath, by the fiduciary and shall state that the estate was solvent; that all legal claims and debts have been paid, or if not paid, the manner in which the claims and debts have been provided for; that the requirements of the inheritance, estate or similar death statutes have been met and the tax paid, if due and payable; that all court costs have been

paid; the name of the attorney(s), if any, representing the fiduciary, and the amount of the attorney's fee, and that the beneficiary has received his share. An informal settlement may be filed at any time after expiration of six (6) months from the fiduciary's appointment. Upon the filing of the informal settlement, the court may enter an order discharging the fiduciary, and his surety, if any. When a settlement is effected in the informal manner, no notice to any person shall be required nor shall the court be compelled to inquire into detailed items of income or disbursements.

- (2) If a proposed settlement of a fiduciary is accompanied by a verified waiver executed by all of the beneficiaries of an estate, and none of the beneficiaries is under a disability, the court shall accept from the fiduciary an informal settlement which meets the requirements of subsection (1) of this section. ***Said beneficiaries may request an accounting of the assets of the estate prior to execution of the waiver.*** No verified waiver need be obtained from a nonresiduary legatee who has received and receipted for his legacy, the canceled check or signed receipt attached to the proposed settlement being sufficient evidence of satisfaction. The court may require the fiduciary to execute bond with or without surety to insure the application of the estate assets to the debts of the decedent.
- (3) In the event that one (1) or more of the beneficiaries of the estate is under a disability, the court may allow the filing of an informal settlement if the court is of the opinion that the best interests of the person under the disability would be served.

Approved April 23, 2002