

## **105 KAR 1:350. Collection of account without formal administration of estate.**

RELATES TO: KRS 61.703

STATUTORY AUTHORITY: KRS 61.645(9)(e), 61.703(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.703 provides upon the death of a member, retiree, or recipient who has an existing account or other benefit that totals no more than \$1,000, a surviving spouse, child, parent, or brother or sister may without formal administration of the estate collect the account by filing an appropriate affidavit with the Kentucky Retirement Systems. This administrative regulation establishes the process for filing for collection of the account.

Section 1. The survivor who makes demand for the deceased member, retiree, or recipient account shall file with the retirement office a Form 6826, Affidavit for Collection of Account Without Formal Administration of Estate or other affidavit, and shall confirm or state:

(1) The affidavit is for the collection of deceased member, retiree, or recipient account and is made in accordance with the provisions of KRS 61.703 allowing for the collection of the account without formal administration of the estate;

(2) The date of death of the member, retiree, or recipient, and confirm that ninety (90) days have elapsed since the date of death;

(3) No application or petition for the appointment of a personal representative of the estate of the member, retiree, or recipient is pending or has been granted in any jurisdiction;

(4) The value of the gross estate, wherever located and less liens and encumbrances, of the deceased member, retiree, or recipient does not exceed \$7,500;

(5) That he or she is the surviving spouse; or if none, a surviving child; or if none, a surviving parent; or if none, a surviving brother or sister;

(6) That he or she is entitled to payment of the account; and

(7) That the Kentucky Retirement Systems shall be discharged and held harmless to the same extent as if conducting business with a personal representative; and in the event any person or entity establishes a superior right to the account, the survivor shall acknowledge that he or she, and not the Kentucky Retirement Systems, shall be answerable and accountable for the member, retiree, or recipient account to any creditor or appointed personal representative of the estate.

Section 2. The affidavit shall be accompanied by death certificate, or if no death certificate is available, other acceptable evidence of death of the member, retiree, or recipient.

Section 3. The Kentucky Retirement Systems, upon receipt of a properly-executed affidavit for collection of account without formal administration of estate accompanied by death certificate, shall make payable to the surviving spouse, child, parent, or brother or sister the account of the deceased member, retiree, or recipient.

Section 4. Incorporation by Reference. (1) "Form 6826, Affidavit for Collection of Account Without Formal Administration of Estate, August 2002", Kentucky Retirement Systems, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Retirement Systems, Perimeter Park West, 1260 Louisville Road, Frankfort, Kentucky 40601-6124, Monday through Friday, 8 a.m. to 4:30 p.m. (29 Ky.R. 835; 1258; eff. 11-12-2002; TAm eff. 3-5-2019; Crt eff. 3-5-2019.)