

FINANCE AND ADMINISTRATION CABINET
Kentucky Public Pensions Authority
(Amended at ARRS Committee)

105 KAR 1:350. Collection of account under \$1,000 by next of kin~~[without formal administration of estate]~~.

RELATES TO: KRS ~~16.505-16.652, 61.505-61.705, 78.510-78.852, 391.030~~~~[61.703]~~, ~~78.545~~

STATUTORY AUTHORITY: KRS 61.505(1)(g), 61.645(9)(e), 61.703(2)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with KRS 13A.150(2) because it does not have a major economic impact.

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, that conforms to the requirements of the administrative regulation promulgated by the board, with the Kentucky Public Pensions Authority~~[Retirement Systems]~~. KRS 61.505(1)(g) and 61.645(9)(e) authorize the Kentucky Public Pensions Authority on behalf of Kentucky Retirement Systems and County Employees Retirement System to promulgate administrative regulations that are consistent with and necessary or proper to carry out the provisions of KRS 16.505 to 16.652, 61.505 to 61.705, and 78.510 to 78.852. This administrative regulation establishes the process to file~~[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 ~~agency~~~~[retirement office]~~ a Form 6826, "Affidavit for Collection of Account Under \$1000 by Next of Kin"~~[Without Formal Administration of Estate]~~ or other notarized 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 the exemption amount established in KRS 391.030 or the amount exempt from formal distribution in the state in which the member was domiciled at the time of his or her~~[their]~~ death~~[\$7,500]~~;
- (5) That the affiant~~[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 the affiant~~[he or she]~~ is entitled to payment of the account; and
- (7) That the Kentucky Public Pensions Authority~~[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 affiant~~[survivor]~~ shall acknowledge that he or she~~[they]~~~~[he or she]~~, and not the Kentucky Public Pensions Authority~~[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 the death certificate, or if no death certificate is available, other acceptable evidence of death of the member, retiree, or recipient.

Section 3. The Kentucky Public Pensions Authority~~[Retirement Systems]~~, upon receipt of a properly executed~~[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 assets~~[account]~~ of the deceased member, retiree, or recipient if the assets due to the estate are less than \$1,000.

Section 4. Incorporation by Reference.

(1) ~~Form 6826, "Affidavit for Collection of Account Under \$1000 by Next of Kin Without Formal Administration of Estate," 11/2025~~~~[August 2002]~~~~Form~~, Kentucky Public Pensions Authority~~[Retirement Systems]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Public Pensions Authority~~[Retirement Systems, Perimeter Park West]~~, 1260 Louisville Road, Frankfort, Kentucky 40601-6124, Monday through Friday, 8 a.m. to 4:30 p.m. and on the agency's website at kyret.ky.gov.

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