

391.010 Descent of real estate.

When a person having right or title to any real estate or inheritance dies intestate as to such estate, it shall descend in common to his or her kindred, male and female, in the following order, except as otherwise provided in this chapter:

- (1) (a) To his or her surviving spouse as follows:
 1. If there is no surviving descendant of the decedent, the entirety;
 2. If the decedent is survived by one (1) or more descendants, all of whom are also descendants of the surviving spouse, the entirety;
 3. If the decedent is survived by one (1) or more descendants who are not lineal descendants of the surviving spouse, one-half (1/2); or
 4. If the decedent is survived by one (1) or more descendants, all of whom are also descendants of the surviving spouse, and the surviving spouse has one (1) or more descendants who are not descendants of the decedent, one-half (1/2); and
- (b) Any interest in property not passing to his or her surviving spouse under this subsection, or if there is no surviving spouse, as provided in subsections (2) to (6) of this section.
- (2) To his or her children and their descendants; if there are none, then
- (3) To his or her father and mother, if both are living, one (1) moiety each; but if the father is dead, the mother, if living, shall take the whole estate; if the mother is dead, the whole estate shall pass to the father; if there is no father or mother, then
- (4) To his or her brothers and sisters and their descendants; if there are none, then
- (5) (a) One (1) moiety of the estate shall pass to the paternal and the other to the maternal grandfather and grandmother equally, if both are living; but if one is dead, the entire moiety shall go to the survivor; if there is no grandfather or grandmother, then
 - (b) To the uncles and aunts and their descendants; if there are none, then
 - (c) To the stepchildren of the decedent.
- (6) If there is no kindred as is described in subsection (5) of this section, the whole shall vest in the state under KRS 393.020.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 134, sec. 1, effective July 15, 2026. -- Amended 1974 Ky. Acts ch. 328, sec. 2. -- Amended 1956 Ky. Acts ch. 132, sec. 1, effective May 18, 1956. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1393.