

394.300 Recording of wills.

- (1) (a) Every will admitted to probate by any court shall be recorded by the county clerk, and shall remain in the office of the county clerk except:
 1. During such time as it may be carried to another court under subpoena duces tecum; or
 2. As provided in paragraph (d) of this subsection.
 - (b) For any will recorded on or after January 1, 2027, the county clerk shall return the will to the person designated in the order admitting the will to probate no earlier than two (2) years after it has been recorded by the county clerk.
 - (c) Any will recorded with the county clerk after January 1, 1978, and prior to January 1, 2027, that remains in the office of the county clerk may be destroyed or returned to either the person designated in the order admitting the will to probate or the person appointed as the executor or executrix of the decedent's estate no earlier than ten (10) years after the date of recording.
 - (d) Upon receipt of any notice required under KRS 394.240, the county clerk shall not return a will under paragraph (b) or (c) of this subsection until:
 1. The adversarial proceeding is final and nonappealable; or
 2. Authorized by a court of competent jurisdiction.
 - (e) Any attempted return of a will under paragraph (b) or (c) of this subsection that is:
 1. Returned to the county clerk as undeliverable; or
 2. Precluded due to insufficient information regarding an address or to whom the will should be returned;may be destroyed.
- (2) (a) A will probated in the court of one Kentucky county and recorded in the office of the county clerk for that county may be recorded in the office of the county clerk for other counties without the process of probate in the other county.
 - (b) Production of an attested copy of the will together with an attested copy of the order of probate shall be required by the county clerk of the other county before recordation.
 - (c) The clerk shall make the same charge for recordation as is otherwise provided for recording a will.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 134, sec. 3, effective July 15, 2026. -- Amended 1980 Ky. Acts ch. 259, sec. 15, effective July 15, 1980. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4864.