

395.470 Dispensing with administration by written agreement. (Effective July 15, 2026)

- (1) Administration of the estate of a person dying testate or intestate may be dispensed with by agreement if:
 - (a) There are no debts owing by the estate;
 - (b) All beneficiaries entitled to the personal estate have agreed in writing, under penalty of perjury, that there shall be no further administration, and if applicable, have designated a trustee with power to collect claims and demands;
 - (c) Advertisement has occurred as required in subsection (7) of this section, as evidenced by an acknowledgment under penalty of perjury;
 - (d) Provision has been made for the state inheritance tax and the federal estate tax, if any; and
 - (e) There are no claims or demands due the estate, if no trustee has been designated by agreement.
- (2)
 - (a) The written agreement required in subsection (1)(b) of this section shall be acknowledged under penalty of perjury by the beneficiaries; and
 - (b) The agreements of all beneficiaries shall be filed in the District Court together with the motion for an order dispensing with administration by agreement.
- (3) An agreement prescribed in subsection (1)(b) of this section shall be effective if it is executed by a person who had authority to contract on behalf of a beneficiary when signed.
- (4) A motion to dispense with administration by agreement may be filed at any time after:
 - (a) Probate of the will, if any;
 - (b) Appointment of a personal representative; and
 - (c) Advertisement for creditors as required under this section.
- (5) If the court is satisfied by the agreements that the conditions prescribed in subsection (1) of this section exist, the court shall enter an order dispensing with any further administration by agreement.
- (6) If the motion and the agreements of the beneficiaries designate a trustee to collect claims or demands, the order shall confirm the designation, and the person designated as the trustee shall have the same right to sue for and collect claims and demands as an administrator appointed under this chapter.
- (7)
 - (a) Prior to moving to dispense with administration by agreement, the beneficiaries shall advertise for creditors of the estate to appear and present any claims to some person at the county seat. The person and place shall be designated in the advertisement.
 - (b) The advertisement shall also give notice of when, where, and by whom the order dispensing with administration by agreement will be applied for.
 - (c) The advertisement shall be posted at the courthouse door for six (6) weeks and published pursuant to KRS Chapter 424.

- (8) The court may order that the beneficiaries applying for the order dispensing with administration by agreement, before the order is entered, execute a surety bond in the amount of the personal estate for the benefit of any creditors who, within six (6) months from the order dispensing with administration by agreement, appear and file their claims with the court clerk. This surety bond shall be approved by the District Court and shall run to the state for the benefit of those creditors and be conditioned to be void if none of them files a claim with the clerk within six (6) months from the date of the order dispensing with administration by agreement.

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History: Amended 2026 Ky. Acts ch. 134, sec. 21, effective July 15, 2026. -- Amended 1982 Ky. Acts ch. 277, sec. 18, effective July 15, 1982. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 392, effective January 2, 1978. -- Amended 1966 Ky. Acts ch. 239, sec. 225. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3897-2.