

1 AN ACT relating to inheritance.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 391.010 is amended to read as follows:

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

7 (1) **(a) *If the intestate has no children or other descendants, the surviving spouse***
8 ***of the intestate shall take the entire estate;***

9 **(b) *If the intestate has surviving descendants who are also descendants of the***
10 ***surviving spouse and the surviving spouse has no other surviving***
11 ***descendants, the surviving spouse shall take the entire estate;***

12 **(c) *If all of the intestate's surviving descendants are also descendants of the***
13 ***surviving spouse and the surviving spouse has one (1) or more surviving***
14 ***descendants who are not descendants of the intestate, the surviving spouse***
15 ***shall take sixty percent (60%) of the estate, with the remaining forty percent***
16 ***(40%) passing to the descendants of the intestate; or***

17 **(d) *If one (1) or more of the intestate's surviving descendants are not***
18 ***descendants of the surviving spouse, the surviving spouse shall take fifty***
19 ***percent (50%) of the estate, with the remaining fifty percent (50%) passing***
20 ***to the descendants of the intestate.***

21 **(2) *If there is no surviving spouse, the entire estate shall pass as follows:***

22 **(a)** To his children and their descendants; if there are none, then

23 **(b)~~(2)~~** To his father and mother, if both are living, one (1) moiety each; but if
24 the father is dead, the mother, if living, shall take the whole estate; if the
25 mother is dead, the whole estate shall pass to the father; if there is no father or
26 mother, then

27 **(c)~~(3)~~** To his brothers and sisters and their descendants; if there are none, then

1 ~~[(4) To the husband or wife of the intestate; if there are none surviving, then]~~

2 ~~(d)~~~~[(5)]~~ One (1) moiety of the estate shall pass to the paternal and the other to
3 the maternal kindred, in the following order:

4 ~~1.~~~~[(a)]~~ The grandfather and grandmother equally, if both are living; but if
5 one is dead, the entire moiety shall go to the survivor; if there is no
6 grandfather or grandmother, then

7 ~~2.~~~~[(b)]~~ To the uncles and aunts and their descendants; if there are none,
8 then

9 ~~3.~~~~[(c)]~~ To the great-grandfathers and great-grandmothers, in the same
10 manner prescribed for grandfather and grandmother by subparagraph 1.
11 of this paragraph~~[(subsection (a))]~~; if there are none, then

12 ~~4.~~~~[(d)]~~ To the brothers and sisters of the grandfathers and grandmothers
13 and their descendants; and so on in other cases without end, passing to
14 the nearest lineal ancestors and their descendants.

15 ~~(3)~~~~[(6)]~~ If there is no such kindred to one of the parents as is described in paragraph
16 (d) of subsection ~~(2)~~~~[(5)]~~ of this section, the whole to go to the kindred of the other.
17 If there is neither paternal nor maternal kindred, the whole shall go to the kindred of
18 the husband or wife, as if he or she had survived the intestate and died entitled to
19 the estate.