

1 AN ACT relating to the recording of wills.

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

3 ➔Section 1. KRS 394.300 is amended to read as follows:

- 4 (1) ***(a) The circuit clerk shall copy and certify*** every will or authenticated copy
 5 admitted to record by any court.
- 6 ***(b) Within fifteen (15) days of a court order admitting a will to probate, the***
 7 ***circuit clerk shall send a certified copy of:***
- 8 ***1. The will or the authenticated copy; and***
 9 ***2. The court order admitting the will to probate;***
 10 ***to the county clerk, who shall promptly record and keep them in his or her***
 11 ***office.***
- 12 ***(c) The original will, or authenticated copy, shall remain with the circuit clerk***
 13 ***for two (2) years after the decision of the District Court as prescribed by***
 14 ***KRS 394.240. Once the two (2) years have expired, the circuit clerk may***
 15 ***electronically store the will or authenticated copy, as well as any other***
 16 ***probate documents, and may destroy the original will or authenticated***
 17 ***copy***~~[shall be recorded by the county clerk, and remain in his office, except~~
 18 ~~during such time as it may be carried to another court under subpoena duces~~
 19 ~~tecum].~~
- 20 (2) (a) A will probated in the court of one ***(1)*** Kentucky county and recorded in the
 21 office of the county clerk for that county may be recorded in the office of the
 22 county clerk for other counties without the process of probate in the other
 23 county.
- 24 (b) Production of an attested copy of the will together with an attested copy of the
 25 order of probate shall be required by the county clerk of the other county
 26 before recordation.
- 27 (c) The ***county*** clerk shall make the same charge for recordation as is otherwise

- 1 provided for recording a will.
- 2 ➔Section 2. The following KRS section is repealed:
- 3 394.110 Will may be deposited with clerk for safekeeping.