

1           AN ACT relating to filings with the county clerk.

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

3           ➔Section 1. KRS 64.012 is amended to read as follows:

4    (1) The county clerk shall receive for the following services the following fees:

5           (a) 1. Recording and indexing of a:

6                   a. Deed of trust or assignment for the benefit of creditors;

7                   b. Deed;

8                   c. Deed of assignment;

9                   d. File-stamped copy of documents set forth in KRS 14A.2-040(1) or  
10                   (2) that have been filed first with the Secretary of State;

11                   e. Real estate option;

12                   f. Power of attorney;

13                   g. Revocation of power of attorney;

14                   h. Lease which is recordable by law;

15                   i. Deed of release of a mortgage or lien under KRS 382.360;

16                   j. United States lien;

17                   k. Release of a United States lien;

18                   l. Release of any recorded encumbrance other than state liens;

19                   m. Lis pendens notice concerning proceedings in bankruptcy;

20                   n. Lis pendens notice;

21                   o. Mechanic's and artisan's lien under KRS Chapter 376;

22                   p. Assumed name;

23                   q. Notice of lien issued by the Internal Revenue Service;

24                   r. Notice of lien discharge issued by the Internal Revenue Service;

25                   s. Original, assignment, amendment, or continuation financing  
26                   statement;

27                   t. Making a record for the establishment of a city, recording the plan

1 or plat thereof, and all other service incident;

2 u. Survey of a city, or any part thereof, or any addition to or

3 extensions of the boundary of a city;

4 v. Recording with statutory authority for which no specific fee is set,

5 except a military discharge;

6 w. Will or other probate document pursuant to KRS Chapter 392 or

7 394;

8 x. Court ordered name change pursuant to KRS Chapter 401;

9 y. Land use restriction according to KRS 100.3681; and

10 z. Filing with statutory authority for which no specific fee is set.

11 For all items in this subsection if the entire thereof does not exceed

12 five (5) pages .....\$33.00

13 And, for all items in this subsection exceeding five (5) pages,

14 except any will or other probate document pursuant to KRS

15 Chapter 392 or 394 under subdivision w. of this subparagraph,

16 or any court-ordered name change pursuant to KRS Chapter 401

17 under subdivision x. of this subparagraph,

18 for each additional page .....\$3.00

19 And, for all items in this subsection for each additional reference

20 relating to same instrument .....\$4.00

21 2. The thirty-three dollar (\$33) fee imposed by this subsection shall be

22 divided as follows:

23 a. Twenty-seven dollars (\$27) shall be retained by the county clerk;

24 and

25 b. Six dollars (\$6) shall be paid to the affordable housing trust fund

26 established in KRS 198A.710 and shall be remitted by the county

27 clerk within ten (10) days following the end of the quarter in

1 which the fee was received. Each remittance to the affordable  
2 housing trust fund shall be accompanied by a summary report on a  
3 form prescribed by the Kentucky Housing Corporation.

4	(b)	For noting a security interest on a certificate of title pursuant to KRS Chapter 186A .....	\$12.00
5	(c)	For filing the release of collateral under a financing statement and noting same upon the face of the title pursuant to KRS Chapter 186 or 186A .....	\$5.00
6	(d)	Filing or recording state tax or other state liens .....	\$5.00
7	(e)	Filing release of a state tax or other state lien .....	\$5.00
8	(f)	Acknowledging or notarizing any deed, mortgage, power of attorney, or other written instrument required by law for recording and certifying same .....	\$5.00
9	(g)	Recording plats, maps, and surveys, not exceeding 24 inches by 36 inches, per page .....	\$40.00
10	(h)	Recording a bond, for each bond .....	\$10.00
11	(i)	Each bond required to be taken or prepared by the clerk .....	\$4.00
12	(j)	Copy of any bond when ordered .....	\$3.00
13	(k)	Administering an oath and certificate thereof .....	\$5.00
14	(l)	Issuing a license for which no other fee is fixed by law .....	\$8.00
15	(m)	Issuing a solicitor's license .....	\$15.00
16	(n)	Marriage license, indexing, recording, and issuing certificate thereof .....	\$26.50
17	(o)	Every order concerning the establishment, changing, closing, or discontinuing of roads, to be paid out of the county levy when the road is established, changed, closed, or discontinued, and by the applicant when it is not .....	\$3.00
18	(p)	Registration of licenses for professional persons required to register .....	\$3.00

1	with the county clerk .....	\$10.00
2	(q) Certified copy of any record .....	\$5.00
3	Plus fifty cents (\$.50) per page after three (3) pages	
4	(r) Filing certification required by KRS 65.070(2)(a) .....	\$5.00
5	(s) Filing notification and declaration and petition of candidates	
6	for Commonwealth's attorney.....	\$200.00
7	(t) Filing notification and declaration and petition of candidates for county	
8	and independent boards of education .....	\$20.00
9	(u) Filing notification and declaration and petition of candidates for	
10	boards of soil and water conservation districts .....	\$20.00
11	(v) Filing notification and declaration and petition of candidates for	
12	other office .....	\$50.00
13	(w) Filing declaration of intent to be a write-in candidate for office.....	\$50.00
14	(x) Filing petitions for elections, other than nominating petitions .....	\$50.00
15	(y) Notarizing any signature, per signature .....	\$2.00
16	(z) Filing bond for receiving bodies under KRS 311.310 .....	\$10.00
17	(aa) Noting the assignment of a certificate of delinquency and recording	
18	and indexing the encumbrance under KRS 134.126 or 134.127 .....	\$27.00
19	(ab) Filing a going-out-of-business permit under KRS 365.445 .....	\$50.00
20	(ac) Filing a renewal of a going-out-of-business permit under KRS 365.445	\$50.00
21	(ad) Filing and processing a transient merchant permit under KRS 365.680	\$25.00
22	(ae) Recording and indexing a real estate mortgage:	
23	1. For a mortgage that does not exceed thirty (30) pages.....	\$63.00
24	2. And, for a mortgage that exceeds thirty (30) pages, for each additional	
25	page .....	\$3.00
26	(af) Filing or recording a lien or release of lien by a consolidated local	
27	government, urban-county government, unified local government, or city of	

1                   any class .....\$20.00

2   (2) The sixty-three dollar (\$63) fee imposed by subsection (1)(ae) of this section shall  
3       be divided as follows:

4       (a) Fifty-seven dollars (\$57) shall be retained by the county clerk; and  
5       (b) Six dollars (\$6) shall be paid to the affordable housing trust fund established  
6       in KRS 198A.710 and shall be remitted by the county clerk within ten (10)  
7       days following the end of the quarter in which the fee was received. Each  
8       remittance to the affordable housing trust fund shall be accompanied by a  
9       summary report on a form prescribed by the Kentucky Housing Corporation.

10   (3) (a) For services related to the permanent storage of records listed in paragraphs  
11       (a), (g), (n), and (ae) of subsection (1) of this section, the clerk shall be  
12       entitled to receive a reimbursement of ten dollars (\$10).

13       (b) In counties or a county containing an urban-county government, charter  
14       county government, or unified local government:

15       1. This fee shall:

16               a. Not be paid annually to the fiscal court under KRS 64.152;  
17               b. Not be paid to the Finance and Administration Cabinet under KRS  
18               64.345;

19               c. Be accumulated and transferred to the fiscal court or the legislative  
20               body of an urban-county government on a monthly basis within  
21               ten (10) days following the end of the month;

22               d. Be maintained by the fiscal court or the legislative body of an  
23               urban-county government in a separate bank account and  
24               accounted for in a separate fund; and

25               e. Not lapse to the general fund of the county or urban-county  
26               government.

27       2. The moneys accumulated from this fee shall be held in perpetuity by the

- a. Equipment related to the permanent storage of and access to records, including deed books, binders, shelves, microfilm equipment, and fireproof equipment;
- b. Hardware for the permanent storage of and access to records, including computers, servers, and scanners;
- c. Software for the permanent storage of and access to records, including vendor services and consumer subscription fees;
- d. Personnel costs for the permanent storage of and access to records, including overtime costs for personnel involved in the digitization of records; and
- e. Cloud storage and cybersecurity services for the permanent storage of and access to records.

24 (c) In a county containing a consolidated local government:

25 I. The fee shall not:

- a. Be paid to the Finance and Administration Cabinet under KRS 64.345; or

20 ➔Section 2. KRS 142.010 is amended to read as follows:

21 (1) The following taxes shall be paid:

22 (a) A tax of four dollars and fifty cents (\$4.50) on each marriage license;

23 (b) A tax of four dollars (\$4) on each power of attorney to convey real or personal

24 property;

25 (c) A tax of four dollars (\$4) on each mortgage, financing statement, or security

26 agreement and on each notation of a security interest on a certificate of title

27 under KRS 186A.190;

1 (d) A tax of four dollars (\$4) on each conveyance of real property; ~~and~~

2 (e) A tax of four dollars (\$4) on each lien or conveyance of coal, oil, gas, or other

3 mineral right or privilege; and

4 (f) **A tax of four dollars (\$4) on each recorded will.**

5 (2) **Except as provided in Sections 4 and 5 of this Act,** the tax imposed by this section

6 shall be collected by each county clerk as a prerequisite to the issuance of a

7 marriage license or the original filing of an instrument subject to the tax.

8 Subsequent assignment of the original instrument shall not be cause for additional

9 taxation under this section. This section shall not be construed to require any tax

10 upon a deed of release of a lien retained in a deed or mortgage.

11 (3) Taxes imposed under this section shall be reported and paid to the Department of

12 Revenue by each county clerk within ten (10) days following the end of the

13 calendar month in which instruments subject to tax are filed or marriage licenses

14 issued. Each remittance shall be accompanied by a summary report on a form

15 prescribed by the department.

16 (4) Any county clerk who violates any of the provisions of this section shall be subject

17 to the uniform civil penalties imposed pursuant to KRS 131.180. In every case, any

18 tax not paid on or before the due date shall bear interest at the tax interest rate as

19 defined in KRS 131.010(6) from the date due until the date of payment.

20 (5) (a) One dollar (\$1) of the amount collected under each paragraph of subsection

21 (1) of this section shall be placed in an agency fund in the Department for

22 Libraries and Archives to be used exclusively for the purpose of preserving

23 and retaining public records by continuing the local records grant program

24 active in the Department for Libraries and Archives.

25 (b) Ninety percent (90%) of all funds allocated to the Department for Libraries

26 and Archives under paragraph (a) of this subsection for the local records grant

27 program shall be set aside for grants to county clerks and distributed annually,

2 (c) If there are insufficient grant applications from county clerks for the  
3 Department for Libraries and Archives to distribute ninety percent (90%) of  
4 all funds allocated under paragraph (a) of this subsection, the Department for  
5 Libraries and Archives may grant those funds to other agencies.

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

7 (1) (a) Every will or authenticated copy of a will admitted to record by any court  
8 shall be recorded by the county clerk, and the original shall remain in the[this]  
9 office of the county clerk, except:

10           1. During such time as it may be carried to another court under subpoena  
11            duces tecum; *or*

12 2. As provided in paragraphs (b) to (d) of this subsection.

13       (b) Beginning January 1, 2027, the county clerk shall return an original will  
14                   that has been recorded to the person designated in the order admitting the  
15                   will to probate no earlier than two (2) years after it has been recorded by the  
16                   county clerk.

17       (c) Any will recorded with the county clerk after January 1, 1978, and prior to  
18       January 1, 2027, that remains in the office of the county clerk may be  
19       destroyed or returned to either the party designated in the order admitting  
20       the will to probate or the party appointed as the executor or executrix of the  
21       decedent's estate no earlier than ten (10) years after the date of recording.

22        (d) Upon receipt of any notice required under KRS 394.240, the county clerk  
23        shall not return an original will under paragraph (b) or (c) of this  
24        subsection until:

25           1.    *The adversarial proceeding is final and nonappealable; or*

26                   2. *Authorized by a court of competent jurisdiction.*

27 (e) Any attempted return of a will under paragraph (b) or (c) of this subsection

1                   **that is:**

2                   **1. Returned to the county clerk as undeliverable; or**

3                   **2. Precluded due to insufficient information regarding an address or to**

4                   **whom the will should be returned;**

5                   **may be destroyed.**

6                   (2) (a) A will probated in the court of one Kentucky county and recorded in the  
7                   office of the county clerk for that county may be recorded in the office of the  
8                   county clerk for other counties without the process of probate in the other  
9                   county.

10                  (b) Production of an attested copy of the will together with an attested copy of the  
11                  order of probate shall be required by the county clerk of the other county  
12                  before recordation.

13                  (c) The clerk shall make the same charge for recordation as is otherwise provided  
14                  for recording a will.

15                  ➔Section 4. KRS 395.015 is amended to read as follows:

16                  (1) Before being appointed as executor, administrator, curator, or administrator with  
17                  the will annexed, every person shall make and file in duplicate a written application  
18                  **for appointment** under oath, which **shall include:**~~must state~~

19                  (a) The names of the deceased's surviving spouse and all of his **or her** heirs-at-  
20                  law~~or such~~ as are known, **and the United States postal address and**  
21                  **email**~~their post office~~ address if known;~~;~~

22                  (b) The date of death;~~and also~~

23                  (c) A statement in general terms as to what the estate consists of and the probable  
24                  value of the personal and real estate;~~and also~~

25                  (d) A statement of any indebtedness owing by the applicant to the deceased; **and**

26                  (e) **If the decedent died testate, the name and address of the party to whom any**  
27                  **will admitted to probate and recorded with the county clerk is to be returned**

1                   under Section 3 of this Act.

2       (2) If The foregoing requirement in respect to names and addresses of heirs at law may  
3                   be omitted when the application for appointment is being made by the executor  
4                   named in the will, the names and addresses of the heirs-at-law may be omitted  
5                   unless requested by the court.

6       (3) The application of a nonresident shall include the designation of a resident of the  
7                   county where probate or administration is pending as his or her agent for the  
8                   service of process in any action against him or her as personal representative or  
9                   personally, provided that the[such] personal action must have accrued in the  
10                  administration of the estate.

11      (4) A duplicate copy of the[said] application shall be mailed by the clerk to the  
12                  commissioner of the Department of Revenue[secretary of revenue of the State of  
13                  Kentucky].

14      (5) (a) If the decedent died testate, the original of the decedent's will shall be  
15                  presented to the court prior to or at the time of any appointment.

16      (b) 1. The clerk of the court shall collect the fee required by the county clerk  
17                  under Section 1 of this Act for the filing of a will and the tax required  
18                  under Section 2 of this Act when the will is presented.

19      2. Upon probate of the will, the clerk of the court shall deliver the  
20                  following to the county clerk:

21      a. The original will and a certified copy of the order admitting the  
22                  will to probate, which shall include the name and address of the  
23                  party to whom the will is to be returned as provided in Section 3  
24                  of this Act; and

25      b. The filing fee and tax collected under this paragraph.

26      (6) (a) [(2)] In the case of intestacy, or where an administrator with will annexed or  
27                  de bonis non is to be appointed, if there is[be] no surviving spouse, or if the

1        surviving~~such~~ spouse waives the right of appointment or is not qualified to  
2        act and does not nominate a suitable administrator and there is more than one  
3        (1) resident heir-at-law entitled to appointment, the court shall~~thereupon~~ set  
4        a time for hearing the~~such~~ application.

5        **(b)** Notice of the~~said~~ hearing shall be given to the surviving spouse and all  
6        known heirs of the deceased residing in the state, or elsewhere, in the manner  
7        provided in KRS 395.016.

8        ➔Section 5. KRS 401.040 is amended to read as follows:

9        (1) **(a)** If the District Court, Family Court, or Circuit Court, as authorized by KRS  
10       401.020, orders any person's name to be changed under this chapter, a copy of  
11       the order shall be certified by the clerk of that court to the county clerk, for  
12       record.

13        **(b)** *The clerk of the court shall collect the fee required under Section 1 of this*  
14       *Act for the recording of a court-ordered name change under this section*  
15       *and forward the fee with the copy of the order to the county clerk.*

16        (2) The county clerk shall keep an alphabetical index for each book of records,  
17       referring to the page on which each person's name change appears, and giving the  
18       name from and to which it is changed.

19        ➔Section 6. KRS 395.160 is amended to read as follows:

20        (1) If a personal representative moves out of the state and fails to designate a process  
21       agent as required by KRS 395.015~~(1)~~, becomes insane or otherwise incapable to  
22       discharge the trust, goes bankrupt or insolvent or is in failing circumstances, the  
23       District Court shall remove him, and the other personal representative, if there is  
24       another, shall discharge the trust. If he resides in the county of his appointment or in  
25       an adjoining county, and is not insane, he shall have ten (10) days' notice before the  
26       order of removal is made. If he is insane, the notice shall be given to his committee,  
27       if he has one, and if there is no committee, the court may appoint one.

