

**Local Government Mandate Statement  
Kentucky Legislative Research Commission  
2025 Regular Session**

**Part I: Measure Information**

<b>Bill Request #:</b>	39	<b>Bill #:</b>	SB 70
<b>Document ID #:</b>	1415	<b>Sponsor:</b>	Sen. Reginald Thomas
<b>Bill Title:</b>	AN ACT relating to heirs property		

Unit of Government:     City                       County                       Urban-County  
                                   Charter County         Consolidated Local     Unified Local

Office(s) Impacted:    County Clerks

Requirement:             Mandatory             Optional

Effect on Powers & Duties:     Modifies Existing     Adds New     Eliminates Existing

Other Fiscal Statement(s) that may exist:     Actuarial Analysis             Corrections Impact  
     Health Benefit Mandate     State Employee Health Plan

**Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government**

SB 70 creates new sections of KRS Chapter 381 to be called the Uniform Partition of Heirs Property Act. Additionally, it amends existing statutory provisions to support the implementation of the newly introduced sections. The section directly affecting local governments is Section 15, which pertains to the county clerk’s responsibilities and amends KRS 64.012.

Section 14:  
 As part of the Uniform Partition of Heirs Property Act, Section 14 creates the Heirs Property Research Fund, designed to assist Kentucky residents through grant funding of up to \$2,000. These grants will support research into family history specifically related to the identification, evaluation, preservation, partition, or sale of heirs’ property.

Section 15:  
 Section 15 amends existing legislation by increasing the filing fee the county clerk shall receive for documents for which no specific fee is set, from \$33 to \$34 for the first five pages. The additional dollar shall be paid to the heirs

property research fund and remitted by the county clerk within ten days following the end of the quarter in which the fee was received. Each remittance shall be accompanied by a summary report of a form prescribed by the Kentucky Real Estate Authority.

The fund would help preserve family wealth passed to the next generation in the form of real property. For example, if your grandparents left no will, the property would have passed to their children, and their children’s children, and perhaps you now own a partial interest in the property as well. The property in this scenario is known as “heirs’ property” and often results in what is called “clouded” or “tangled” title. The clouded title can unfortunately create several legal and financial obstacles if not managed appropriately. SB 70 would seek to remedy this by providing financial assistance to these families to aid in research.

As of January 2025, 24 states have enacted the Uniform Partition of Heirs Property Act. In states that have not enacted this law, it may be more likely that heirs’ properties are sold at below market rate.

**The fiscal impact to local governments is expected to be minimal.** The Kentucky County Clerks Association and the Kentucky Property Valuation Administrators (PVA) Association were contacted for feedback.

The Kentucky PVA Association responded they have never been privileged to court ordered appraisals, but whereas SB 70 requires court-ordered appraisals to be available at the property administrator’s office thus making them custodians of that data. Any appraisal would be helpful in the PVA’s effort to assess property.

The administrative framework for filing in the county clerks’ offices is currently in place and would remain unchanged except for remitting the summary report and the funds resulting from the increase in the fee payment to the Heirs Property Research Fund.

**Data Source(s):** LRC Staff; Kentucky County Clerks Association; Kentucky Property Valuation Administrator Association; U.S Department of Agriculture article titled "Knowledge of 'Heirs Properties' Issues Help Families Keep, Sustain Land", October 8, 2021 Page 3; Booneville Sentinel article titled "Study to be Conducted in Several Counties in Kentucky Including Owsley County Concerning an Heirs Property", June 13, 2021; [www.uniformlaws.org](http://www.uniformlaws.org)

**Preparer:** HT **Reviewer:** AS (MDA) **Date:** 1/9/25