

Ancillary Probate in Kentucky

by Leah A. Morrison, English, Lucas, Priest & Owsley, LLP, with Practical Law Trusts & Estates

Status: **Maintained** | Jurisdiction: **Kentucky**

This document is published by Practical Law and can be found at: content.next.westlaw.com/w-049-1322
Request a free trial and demonstration at: tr.com/practicallaw-home

A Practice Note that provides an overview of the procedure for ancillary probate and administration in Kentucky. This Practice Note guides fiduciaries and legal counsel through the process required when a decedent not domiciled in Kentucky dies owning property in the state that does not pass by title or operation of law. It discusses key ancillary estate proceedings, including the probate of a foreign will and intestate estate administration for nonresident decedents. This Practice Note addresses the requirements for initiating an ancillary proceeding, the appointment and duties of an ancillary fiduciary, and the jurisdictional authority of Kentucky courts. It also examines the critical distinction in how Kentucky law governs the disposition of real property versus personal property, the process for handling creditor claims, and the administration and settlement of the ancillary estate to ensure the proper transfer of assets.

If a decedent not living in Kentucky at death owns property in Kentucky that does not pass by title or under law, the estate fiduciary in the state where the decedent lived (the decedent's domicile) or certain other persons may need to open an additional estate proceeding in Kentucky to dispose of that property. This additional estate proceeding is commonly called an ancillary estate proceeding (also commonly known as ancillary probate or ancillary (estate) administration).

The ancillary proceeding in Kentucky is secondary to the estate proceeding in the decedent's state of domicile. If there is no domiciliary proceeding, an original Kentucky estate proceeding may need to be opened to administer the decedent's Kentucky property. In an ancillary proceeding, a Kentucky court with probate jurisdiction appoints a fiduciary (generally called a personal representative), most commonly the fiduciary appointed in the estate proceeding in the decedent's domicile, to act as the estate representative for the ancillary proceeding. This estate fiduciary typically seeks the advice and supervision of a Kentucky lawyer hired by the fiduciary to assist with the ancillary proceeding.

An ancillary proceeding in Kentucky is controlled by Kentucky law. This Note provides an overview of the ancillary proceeding process in Kentucky.

Types of Ancillary Estate Proceedings

Ancillary estate proceedings are the legal processes used to distribute certain property in Kentucky when a decedent not domiciled in Kentucky owned that Kentucky property at their death. The main types of ancillary estate proceedings in Kentucky are:

- **Probate of Foreign Will.** This ancillary proceeding allows a will that was properly proved and admitted to probate in another state to be admitted to probate in the proper court of any Kentucky county where the testator left any estate, with the same force and effect as the original probate of a domestic will. For these testate estates, ancillary proceedings may be in either common form or solemn form (see Probate of a Foreign Will).
- **Intestate Administration.** This ancillary proceeding is used where a nonresident decedent died without a will leaving an estate requiring administration

and an intestate proceeding was opened in the decedent's state of domicile (see [Appointing a Fiduciary Where Decedent Died Without a Will](#)).

As with a Kentucky domiciliary estate proceeding, an ancillary estate proceeding may not be required in certain circumstances where the decedent died only with personal property in Kentucky valued below certain thresholds (currently \$30,000) (KRS 395.455; see [State Q&A, Probate: Kentucky: Question 19](#)).

This Note addresses these ancillary estate proceedings, along with other processes that can be used to transfer a decedent's Kentucky property without a full probate or administration.

If there is no domiciliary proceeding, an original Kentucky estate proceeding may need to be opened to administer the nondomiciliary decedent's Kentucky property. For more information on the types of Kentucky estate proceedings generally, see [State Q&A, Probate: Kentucky: Question 3](#).

General Jurisdiction Over Ancillary Estate Proceedings

In Kentucky, most estate proceedings fall under the District Court's jurisdiction, including ancillary probate or ancillary intestate administration. The District Court has jurisdiction to probate a decedent's will and to grant administration of the estate of a person dying intestate. (KRS 395.030.) The District Court:

- Has exclusive jurisdiction to oversee the management and settlement of accounts in probate proceedings (and guardianships) (*Karem v. Bryant*, 370 S.W.3d 867, 870 (Ky. 2012)).
- Has the authority to approve settlements filed by personal representatives, can hear evidence for or against any item, and has authority to question fiduciaries, under oath, about any matter connected with the settlement (KRS 395.600 and 395.615).

However, the Circuit Court, not the District Court, generally has exclusive jurisdiction over probate matters contested in an adversary proceeding. Kentucky generally limits matters contested in an adversary proceeding to matters provided for by statute to be commenced in the Circuit Court. (KRS 24A.120(2).) Probate matters may be litigated in the District Court if they include matters not provided for by statute to be commenced in the Circuit Court (KRS 24A.120(3)).

For more information on venue for ancillary estate proceedings, see [Venue for Ancillary Estate Proceedings](#).

Preliminary Requirements for Ancillary Estate Proceeding

Decedent Domiciled Outside of Kentucky

To use a Kentucky ancillary estate proceeding, the decedent must have both:

- Resided outside of Kentucky at the decedent's death.
- Died with certain property interests located in Kentucky.

A decedent's legal residence (sometimes called domicile) is determined based on the facts and decedent's circumstances and intentions, including both:

- The decedent's location (where the decedent in fact resided at death).
- The decedent's intention to abandon a former domicile and establish a new one.

(*Ellison v. Smoot's Adm'r*, 151 S.W.2d 1017, 1020 (Ky. 1941).)

This Note refers to a decedent domiciled outside of Kentucky at the decedent's death as a nonresident decedent.

Property Interest Located in Kentucky

While most assets in a decedent's estate are generally located in the decedent's domicile, sometimes a decedent dies a resident of another state while also owning property in Kentucky. An ancillary proceeding generally is necessary to either:

- Administer the nonresident decedent's Kentucky probate property (decedent's Kentucky property passing under the decedent's will or by intestacy), whether the property was real or personal.
- Bring any suit in which the decedent's Kentucky estate is interested.

(KRS 394.140; *Mason v. Stikes*, 650 S.W.3d 292, 300 (Ky. 2022); *Whisler v. Allen*, 380 S.W.2d 70 (Ky. 1964).)

An ancillary proceeding is not necessary for a nonresident decedent's Kentucky non-probate

property (property which passes at death outside of the probate system) that either:

- Passes by title, such as a payable-on-death account.
- Passes by operation of law, such as real property held jointly with rights of survivorship.
- Is held in a trust at the decedent's death and passes under the terms of the trust.

Qualifying as Estate Fiduciary

In an ancillary proceeding, the court generally must appoint a fiduciary for that fiduciary to properly administer the decedent's property located in Kentucky at the decedent's death. A fiduciary must obtain letters of appointment from a Kentucky court to exercise authority over the nonresident decedent's estate assets in Kentucky (KRS 395.105). Therefore, a fiduciary appointed in a decedent's estate proceeding in another jurisdiction generally lacks authority to act in Kentucky regarding that decedent's Kentucky property unless formally qualified in Kentucky. However, courts typically appoint the domiciliary fiduciary as ancillary fiduciary.

Once appointed by a Kentucky court, the fiduciary in an ancillary proceeding has the same power and authority to administer the nonresident decedent's Kentucky property as an executor or administrator appointed in a Kentucky domiciliary estate proceeding, including the ability to manage, distribute, and settle the estate's affairs under KRS 395.195 to 395.197.

For more information on the appointment of ancillary estate fiduciaries, see [Appointing a Fiduciary in Ancillary Estate Proceedings](#).

Venue for Ancillary Estate Proceedings

Venue for a nonresident decedent's estate is proper in the District Court of any Kentucky county where either:

- The real property or any part of it is located, if the nonresident decedent owned any real property.
- If the nonresident decedent did not own any real property, the county where:
 - the nonresident decedent died;
 - the nonresident decedent's personal estate is located; or

- where there is a debt or demand owed to a nonresident decedent.

(KRS 394.140.)

Retaining a Kentucky Lawyer

When a nonresident decedent dies owning property in Kentucky subject to an ancillary estate proceeding, the decedent's family or the fiduciary appointed in the decedent's state of domicile may hire a Kentucky lawyer to help administer the Kentucky property. The court does not require that a Kentucky lawyer be hired in the ancillary estate proceeding. However, associating with Kentucky counsel familiar with ancillary estate processes in Kentucky can be valuable. The Kentucky lawyer can assist by:

- Filing the ancillary probate documents in the appropriate Kentucky county.
- Making all necessary court appearances.
- Assisting the ancillary fiduciary with administering the Kentucky property and closing the ancillary estate.

Admitting a Foreign Will or Administration in Intestacy

Probate of a Foreign Will

Foreign Will Admitted to Probate in Another Jurisdiction

The proper Kentucky court may allow and record a will that was proved and admitted to probate in another state, the District of Columbia, or a U.S. territory (see [General Jurisdiction Over Ancillary Estate Proceedings and Venue for Ancillary Estate Proceedings](#)). For testate estates, as in domiciliary proceedings, ancillary proceedings may be in either common form or solemn form. The common form probate proceeding is the most used estate proceeding for both domiciliary and ancillary estate proceedings. However, the solemn form probate proceeding may be used in an ancillary proceeding if a will contest is likely or expected (see [Contesting a Foreign Will and Conflict of Laws](#)). For more information on:

- Common and solemn form probates, generally, see [State Q&A, Probate: Kentucky: Question 3](#).
- Kentucky probate and administration proceedings, generally, see [State Q&A, Probate: Kentucky](#).

Ancillary Probate in Kentucky

To have the foreign will admitted to probate in Kentucky, the petitioner must submit a petition for ancillary probate with both:

- A certified and authenticated copy of the foreign will.
- A certificate of probate (sometimes also called a probate order or an order appointing) from the foreign jurisdiction.

(KRS 394.150.)

For more information on petitions for ancillary probate, see Contents of Petition.

With these certified and authenticated filings, the Kentucky District Court presumes the nonresident will was duly executed and properly admitted to probate, and admits the will to probate in Kentucky, unless evidence to the contrary is presented (KRS 394.150). If evidence to the contrary is presented, the court admits the will to probate in Kentucky if the court finds the foreign will was both:

- Properly proved and admitted to probate outside Kentucky.
- Executed under the laws of:
 - the place where it was made;
 - the testator's domicile at the time; or
 - Kentucky.

Once admitted in Kentucky, the nonresident's will has the same legal effect as a will originally probated in Kentucky. (KRS 394.130 and 394.150.)

Foreign Will Not Admitted to Probate in Another Jurisdiction

If a foreign will was not previously admitted to probate in another jurisdiction, any interested person may petition to probate the will in the proper Kentucky court, similar to a Kentucky domiciliary estate proceeding (see General Jurisdiction Over Ancillary Estate Proceedings and Venue for Ancillary Estate Proceedings).

An interested person may be:

- The executor named in the will.
- Any beneficiary named in the will.
- Any other person with a potential interest in the estate, which may include a creditor of the decedent.

(*Davies v. Leete*, 64 S.W. 441, 442 (Ky. 1901).)

To initiate probate, the petitioner must present, along with a proper petition, the original foreign will, and prove the will's validity under Kentucky law (KRS 394.130(1), 394.225, and 422.150; see [State Q&A, Probate: Kentucky: Question 4](#)). The court will evaluate whether the will was executed in compliance with either:

- The laws of the place where it was made.
- The laws of the testator's domicile at the time of execution.
- Kentucky's own statutory requirements.

(KRS 394.040, 394.120, and 394.150; *Marr v. Hendrix*, 952 S.W.2d 693 (Ky. 1997); *Gourley v. Miller*, 196 S.W.2d 360 (Ky. 1946).)

If properly proved, the will may be admitted to probate in Kentucky and generally treated as though:

- It was originally executed in Kentucky.
- The decedent was domiciled in Kentucky.

(KRS 394.130 and 394.150.)

Contesting a Foreign Will and Conflict of Laws

The law in a Kentucky ancillary proceeding that governs a non-domiciliary testator's property at death depends on the type of property at issue. If the property is:

- Personal property located in Kentucky, the law of the testator's domicile at death governs the validity of a bequest, including issues on both the form of the will and the testator's power to dispose of property under the will. Challenges regarding Kentucky personal property must ordinarily be raised in the domiciliary probate proceeding.
- Real property located in Kentucky, the validity and disposition of the property is governed exclusively by Kentucky law, regardless of the law of the testator's domicile.

(See *Marr*, 952 S.W.2d at 693; *Gourley*, 196 S.W.2d at 361.)

Any interested person may contest a foreign will affecting Kentucky real property in the same manner and within the same time limits applicable to contests of Kentucky wills (KRS 394.240 and 394.250; see [State Q&A, Probate: Kentucky: Question 6: Standing to Object](#)). For real property, Kentucky law also governs:

- The testator's capacity or incapacity when executing the will.

- The extent of the testator's power to dispose of the property.
- The forms and solemnities necessary to give the will effect.

(See *Marr*, 952 S.W.2d at 694-95.)

Because a disposition of Kentucky real property under a foreign will is governed by Kentucky law, a foreign will could be found to be valid and effective for the disposition of Kentucky real property even if the foreign is invalid under the law of the testator's domicile for those purposes (see *Gourley*, 196 S.W.2d 360).

Similarly, if a nonresident dies intestate owning Kentucky real property, the property's descent and distribution are governed by Kentucky's intestacy statutes (KRS 391.010 to 391.170; see [State Q&A, Wills: Kentucky: Question 16](#)).

Administration in Intestacy

If a nonresident decedent dies with Kentucky property but without a will, and the requirements for an ancillary estate proceeding are satisfied (see Preliminary Requirements for Ancillary Estate Proceeding), the fiduciary appointed in the administration of a decedent's domiciliary estate may need to open an ancillary proceeding to administer and dispose of the decedent's Kentucky assets (see Ancillary Estate Proceeding Process). This generally includes filing a petition in Kentucky that includes a certified copy of the petition for administration that was previously filed in the decedent's foreign domicile.

Similar to in a testate proceeding, Kentucky:

- Personal property is disposed of under the law of the decedent's domicile.
- Real property is disposed of under Kentucky law.

(See *Contesting a Foreign Will and Conflict of Laws*.)

Ancillary Estate Proceeding Process

Petition for Ancillary Estate Proceedings

To open a testate or intestate ancillary estate proceeding, the petitioner needs to file a petition with the required documents.

Contents of Petition

A petition for ancillary administration must include all information required for a petition for administration of a Kentucky resident. The petition for administration should contain the information required under statute as well as certain information helpful to the court, including:

- The decedent's name, birth date, date of death, last address, and whether the decedent left a will. Even though the Kentucky petition form has space for the decedent's social security number, this should not be filled in, and if it is filled in, it must be redacted before filing.
- The name and address of the decedent's surviving spouse, if any.
- The name, address, and relationship to the decedent of each beneficiary.
- The dates of birth for any minor beneficiaries.
- Name and address of the person to be appointed personal representative and the name and address of the petitioner.
- An explanation regarding why the nominated personal representative is not seeking appointment and that personal representative's name, if applicable. In an intestate proceeding, it is permissible, but not required or typical, for a petition to include an explanation why someone with higher priority is not petitioning (see *Appointing a Fiduciary Where Decedent Died Without a Will*).
- Estimated market value of real property and personal property owned by the deceased and subject to Kentucky jurisdiction. The petitioner can put "unknown," if necessary.
- If the person seeking appointment is not a resident of Kentucky, the appointment of an agent for service of process. In most cases, the petitioner requests the court appoint their attorney as their agent for service of process. Kentucky provides that nonresidents must designate a resident of the county where administration is pending as their agent for service of process (KRS 395.015). When designating the petitioner's attorney as agent, many courts do not strictly interpret this statute to require such attorney to live within the county. Still, counsel should always check local rules.
- If there is no valid will, a statement:

Ancillary Probate in Kentucky

- that after a diligent search, no will was found; or
- justifying why any found will is not being offered for probate.
- If there is a will:
 - a statement identifying the will and any codicils being offered for probate; and
 - a statement that the petitioner is unaware of any other unrevoked wills or codicils or why any other unrevoked wills or codicils that the petitioner is aware of are not being offered for probate.

(KRS 394.145 and 395.015.) Notwithstanding the existence of [Kentucky Court of Justice, Petition for Probate of Will; and/or Appointment of Executor/Administrator; and Order \(Ky. AOC Form 805\)](#), practitioners generally craft their own ancillary petition forms based on statute. Some jurisdictions, for example, Jefferson County, require the Kentucky AOC forms. In those cases, practitioners edit the above form for the requirements of an ancillary petition. Counsel should check their jurisdiction's requirements.

In addition, a petition for ancillary administration must include:

- For a testate estate:
 - an authenticated copy of the probated will;
 - a certified copy of the petition for probate; and
 - a certified copy of the order admitting the will to probate.
- For an intestate estate, a certified copy of the petition for administration in the foreign domicile.

(KRS 394.150.)

Notice of Petition

Formal notice for ancillary administration follows the same rules as formal notice for estate proceedings for Kentucky residents. In Kentucky, timely and proper notice of hearing for appointment of the personal representative must be given to any surviving spouse and all known heirs, unless that notice is waived, in:

- Intestate estate proceedings.
- Testate estate proceedings where the decedent failed to appoint an executor under their last will and testament or no named executor under the will is able or willing to act.

(KRS 391.010, 395.015(2), and 395.016.)

For more information on notice in Kentucky domiciliary proceedings, see [State Q&A, Probate: Kentucky: Question 6.](#))

Appointing a Fiduciary in Ancillary Estate Proceedings

A fiduciary in an ancillary proceeding must:

- Be qualified to act as ancillary fiduciary, as in a domiciliary representation (see [State Q&A, Probate: Kentucky: Question 7: Qualification as Personal Representative](#)).
- Execute a bond and have taken an oath in the District Court in Kentucky where venue is proper over the nonresident decedent's estate before beginning the administration of the nonresident decedent's Kentucky estate (see [State Q&A, Probate: Kentucky: Question 8](#)).

Appointing a Fiduciary Where Decedent Died with a Will

Kentucky provides for a statutory order of priority for appointment of a fiduciary when the decedent died with a valid will not probated in another jurisdiction (see [State Q&A, Probate: Kentucky: Question 7: Appointing a Personal Representative Where Decedent Died with a Will](#)).

If another jurisdiction admitted the foreign will to probate in an ancillary proceeding, Kentucky generally recognizes the personal representative appointed by the court of the decedent's domicile to serve as executor. The foreign personal representative must file a petition and, generally, appear before the Kentucky court (KRS 394.145 and 394.150; see [Petition for Ancillary Estate Proceedings](#)). While appearance is preferred, the court may dispense with it depending on circumstances (KRS 394.220). Counsel should check the local rules to determine the applicable county's specific procedure.

If the named executor is unwilling or unable to serve in the ancillary administration, a successor executor may petition to open the estate. If possible, the petition should include a declination to serve signed by the originally named executor. Where no executor is named, or all named executors cannot serve or fail to qualify, the court may appoint an administrator with the will annexed to administer the estate. (KRS 395.015 and 395.050.)

Appointing a Fiduciary Where Decedent Died Without a Will

Kentucky provides for a statutory order of priority for appointment of a fiduciary when a Kentucky decedent died intestate without commencing an estate proceeding in another jurisdiction (see [State Q&A, Probate: Kentucky: Question 7: Appointing a Personal Representative Where Decedent Died Without a Will](#)).

If an intestate estate proceeding was started in another jurisdiction, similar to a testate ancillary proceeding, Kentucky generally recognizes the personal representative appointed by the court of the decedent's domicile to serve as administrator in ancillary proceedings.

Appointing a Fiduciary in Other Circumstances

There is no formal procedure for appointing a personal representative in urgent or unusual circumstances in a Kentucky ancillary proceeding. The District Court must appoint the personal representative in the manner prescribed for formal estate proceedings regardless of the circumstances surrounding the Kentucky estate assets.

Kentucky generally considers it permissible for an ancillary personal representative to take reasonable steps to safeguard the assets of an estate (KRS 395.020). However, the domiciliary personal representative should take care to avoid engaging in any transactions or disposing of ancillary estate property until obtaining the required authority from the District Court (see [State Q&A, Probate: Kentucky: Appointing a Personal Representative in Urgent or Unusual Circumstances](#)).

Appointing a Nonresident Fiduciary

Under Kentucky law, a nonresident individual or certain nonresident corporations may serve as personal representative (executor or administrator) of a decedent's estate in an ancillary probate proceeding (KRS 395.005). Before acting as an ancillary fiduciary in Kentucky, a nonresident must nominate, in the petition, an agent for service of process in Kentucky for any actions or proceedings related to the estate (KRS 395.015; see [Kentucky Court of Justice, Petition for Probate of Will; and/or Appointment of Executor/Administrator; and Order \(Ky. AOC Form 805\)](#)).

Administering and Settling an Ancillary Estate

Once the court appoints an ancillary personal representative, the personal representative administers and settles the assets of the decedent's estate in Kentucky in the same manner as if the decedent was a Kentucky resident, including:

- Notifying creditors, and paying creditor's claims and expenses related to the ancillary proceedings (see [State Q&A, Probate: Kentucky: Question 14](#)). Kentucky does not require the ancillary fiduciary to publish notice or provide any actual notice of the representative's appointment in Kentucky to interested persons, including creditors (the clerk of court is responsible for providing public notice of the appointment by publication). The ancillary fiduciary should still provide notice to known or reasonably ascertainable creditors because of due process concerns.
- Filing an inventory (see [State Q&A, Probate: Kentucky: Question 12: Estate Inventory](#)). The inventory in an ancillary proceeding should include only the decedent's assets that are in Kentucky and subject to the ancillary proceeding.
- Filing any required accounting (involving only the assets of the ancillary estate), distributing ancillary estate assets, and closing the ancillary estate (see [State Q&A, Probate: Kentucky: Question 15](#)).

Distribution of Kentucky Estate Assets

In an ancillary proceeding, the court first applies assets in Kentucky for the benefit of the nonresident decedent's Kentucky creditors, if any. After the ancillary Kentucky estate (the nonresident decedent's Kentucky estate) is fully administered, including payment of all expenses of administration and claims, the court, in its discretion, may order the remaining property held by the ancillary personal representative to be either:

- Paid to the foreign personal representative who then distributes it under the decedent's domiciliary estate proceeding.
- Distributed directly from the ancillary personal representative to the beneficiaries under the law of the decedent's domicile.

(KRS 395.260.)

As with the estate proceedings of Kentucky decedents, at the end of the final settlement process, regardless

Ancillary Probate in Kentucky

of whether the estate was settled formally or informally, the court enters an order discharging the ancillary fiduciary from continuing liability for actions taken on behalf of the estate (KRS 395.605(1) and 395.617(1)). There is no additional process to discharge the fiduciary from liability regarding the estate proceeding.

For more information on the settlement of domiciliary estate proceedings generally, including formal and informal settlement and accountings, see [State Q&A, Probate: Kentucky: Question 15](#) and [Question 16](#).

Dispensing with Administration Proceedings

As with a Kentucky estate proceeding, the ancillary fiduciary may dispense with the typical estate proceeding in certain circumstances where the nonresident decedent died only with Kentucky personal property that is valued below a certain threshold (currently \$30,000). (KRS 395.455; see [State Q&A, Probate: Kentucky: Question 19](#).)

Quiet Title and Creditors

When a nonresident decedent dies intestate owning real property in Kentucky, heirs may seek to establish clear title outside of formal probate, through a quiet title action (KRS 411.120). A quiet title action allows the heirs to ask the court to declare them the rightful owners of the property, free and clear of claims by other potential heirs or unknown parties. To quiet title in this manner, the court typically requires:

- Evidence of the decedent's death.
- Proof of the heirs' relationship to the decedent.
- Notice to any known or potential claimants.

While a quiet title action can confirm ownership and facilitate the sale or transfer of the property, it does not discharge valid creditor claims against the decedent's estate. Creditors may still bring claims during the relevant time periods and purchasers should be aware that any outstanding debts may

affect the estate property. All claims against a decedent's estate arising before the decedent's death, except for claims of the US or Kentucky, must generally be presented within:

- Six months after the appointment of the personal representative in Kentucky. Though not required under Kentucky law, a personal representative should provide notice to actual or reasonably ascertainable creditors as soon as possible after appointment (see [State Q&A, Probate: Kentucky: Question 14: Notifying Creditors](#)).
- Two years from the decedent's date of death, if no personal representative is appointed.

(KRS 396.011(1).)

These statutes of limitation do not affect or prevent:

- To the extent of the security only, any proceeding to enforce any mortgage, pledge, lien, or other security interest securing an obligation of the decedent or on estate property.
- To the limits of the insurance protection only, any proceeding to establish liability of the decedent or the personal representative for which the decedent is protected by liability insurance.

(KRS 396.011(2).)

As a result, a formal ancillary proceeding is generally the preferred method of transferring title to real property in intestacy, particularly if the nonresident decedent had known creditors in Kentucky or died recently. This ensures debts are paid and purchasers of the real property receive marketable title. In addition, letters issued in the ancillary proceeding give the estate fiduciary authority to convey real property free of creditor claims once they are dispensed with during the ancillary estate proceedings.

For more information on creditor's claims in Kentucky ancillary estate proceedings generally, see [Administering and Settling an Ancillary Estate](#).

About Practical Law

Practical Law provides legal know-how that gives lawyers a better starting point. Our expert team of attorney editors creates and maintains thousands of up-to-date, practical resources across all major practice areas. We go beyond primary law and traditional legal research to give you the resources needed to practice more efficiently, improve client service and add more value.

If you are not currently a subscriber, we invite you to take a trial of our online services at legalsolutions.com/practical-law. For more information or to schedule training, call 1-800-733-2889 or e-mail referenceattorneys@tr.com.