

140.220 Collection of taxes by personal representative or trustee -- Sale of property for tax -- Recovery of taxes from trust or life estate property.

- (1) A personal representative or trustee holding property subject to any of the taxes levied by this chapter shall not deliver the property until he has collected the tax thereon.
- (2) When a specific bequest of personal property other than money is subject to the tax and the legatee neglects or refuses to pay the tax upon demand, the personal representative or trustee may, upon such notice as the court having jurisdiction of the settlement of the estate may direct, be authorized to sell the property or, if it can be divided, such portion thereof as may be necessary. He shall deduct the tax from the proceeds of the sale, and account to the legatee for the balance, if any, of the proceeds, in lieu of the property.
- (3) The personal representative or trustee shall collect the taxes due upon land or the proceeds of insurance policies that are subject to tax from the heirs or devisees entitled thereto, and he may be authorized to sell the land if they refuse or neglect to pay the tax.
- (4) If any trust or life estate is subject to the taxes levied by this chapter by virtue of its inclusion in the decedent's estate under KRS 140.100(4), unless the decedent directs otherwise in his will, the personal representative of the decedent's estate shall be entitled to recover from the trust or life estate property that portion of the total taxes assessed against the decedent's estate under this chapter equal to the gross value of such trust or life estate property at the decedent's death divided by the value of the decedent's entire gross estate, such values to be as finally determined for purposes of this chapter.

Effective: July 15, 1986

History: Amended 1986 Ky. Acts ch. 458, sec. 3, effective July 15, 1986. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4281a-47.