

**382.120 Real property acquired by descent -- Requirements for conveyance of -- Indexing -- Clerk's fees.**

- (1) Before any deed to real property, the title to which has passed to the grantor under the laws of descent, is filed for record the grantor or grantee, or the agent or attorney or either, shall present to the county clerk the affidavit of the grantor or any one (1) of the heirs at law or next of kin of the ancestor of the grantor, or of two (2) residents of this state, each of whom has personal knowledge of the facts, which affidavit shall set forth:
  - (a) The name of the ancestor;
  - (b) The date of the ancestor's death;
  - (c) Whether the ancestor was married or single, and if married, the name of the surviving spouse and his or her address;
  - (d) The place of residence at the time of the ancestor's death, if known to the affiant or affiants;
  - (e) The fact that the ancestor died intestate; and
  - (f) The names, ages and addresses, so far as known or ascertainable, of each of such ancestor's heir at law and next of kin, who by his death inherited such real property, and the relationship of each to the ancestor and the interest in such real property inherited by each.
- (2) The affidavit shall be filed with the clerk of the county in which the real property is situated, at or before the time when the deed or conveyance is filed with the clerk for record, and shall be recorded in the record of deeds, and indexed in the general index of deeds in the name of such ancestor as grantor, and in the name of each of such heirs at law or next of kin as grantees, in the same manner as if such names occurred in a deed of conveyance from the ancestor to the heirs at law. For indexing and recording the affidavit, the clerk shall receive the same fees as are allowed for recording and indexing deeds.
- (3) No county clerk or deputy clerk shall receive or permit to be lodged for record any such deed until the affidavit has been presented to him, but nothing in this section shall prevent the recording from being legal of any such deed lodged for record prior to the filing of the affidavit.

**Effective:** July 15, 1980

**History:** Amended 1980 Ky. Acts ch. 259, sec. 2, effective July 15, 1980. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 495a-1, 495a-2.