

394.240 Actions in Circuit Court -- Time in which to be brought -- Filing notice of proceeding.

- (1) Any person aggrieved by the action of the District Court in admitting a will to record or rejecting it may bring an original action in the Circuit Court of the same county to contest the action of the District Court. Such action shall be brought within two (2) years after the decision of the District Court. The parties may, in the same action, or in a separate action if the validity of the will is not in issue, seek construction, interpretation or reformation of a will.
- (2) Upon filing an adversary proceeding in Circuit Court in matters involving probate whether in a testate or intestate proceeding or an action pursuant to subsection (1) of this section, the plaintiff shall forthwith lodge a notice of the action in the office of the county clerk of the county in which the will was admitted to probate or rejected, or if in an intestate estate in the office of the county clerk of the county in which the estate was probated. Such notice shall state the name of the testator, the style of the action, the court in which the action has been filed, the file number assigned to the action by the clerk of the court in which it has been filed, the nature of the action, and the date on which the action was commenced. Said notice shall be signed by plaintiff or his attorney and no jurat shall be necessary. The county clerk shall record and index said notice as if it were a will.

Effective: July 15, 1980

History: Amended 1980 Ky. Acts ch. 259, sec. 12, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 384, sec. 515, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 361, effective January 2, 1978. -- Amended 1974 Ky. Acts ch. 299, sec. 9. -- Amended 1972 Ky. Acts ch. 168, sec. 13. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4850.