

### **395.016 Notice of hearing of application.**

When notice of hearing of an application for the appointment of an administrator, administrator with will annexed or guardian is required, it shall be given by mailing written notice of the time, place and purpose of such hearing at least five (5) days before said hearing. Proof of such notice shall be by certified mail, return receipt requested or by applicant's affidavit that the same was mailed to each of the parties entitled thereto in a sealed envelope, postage prepaid, and the date when posted, which proof shall be filed at the time of hearing. If all parties entitled to notice are under no disability and waive notice in writing, the court may hear such application as if notice had been given. A minor over fourteen (14) years of age may waive notice if present in person at the time of hearing of application for appointment of his guardian; provided, however in any estate where the gross amount involved is less than five thousand dollars (\$5,000) the court in its discretion may dispense with the requirements of this section relating to notice.

**Effective:** July 15, 1982

**History:** Amended 1982 Ky. Acts ch. 141, sec. 106, effective July 1, 1982; and ch. 277, sec. 9, effective July 15, 1982. -- Amended 1974 Ky. Acts ch. 315, sec. 84. -- Created 1942 Ky. Acts ch. 167, sec. 7.

**Note:** 1980 Ky. Acts ch. 396, sec. 119 would have amended this section effective July 1, 1982. However, 1980 Ky. Acts ch. 396 was repealed by 1982 Ky. Acts ch. 141, sec. 146, also effective July 1, 1982. Also 1982 Ky. Acts ch. 277, sec. 10, purported to amend this section as it was amended by 1980 Ky. Acts ch. 396 but this amendment was not compiled.