

395.170 Nonresident representatives -- Bond -- Actions by.

- (1) By giving bond, with surety that is resident of the county in which the action is brought, nonresident executors or administrators of persons who were nonresidents at the time of their death may prosecute actions for the recovery of debts due to such decedents.
- (2) In such actions the plaintiff's letters testamentary or letters of administration, granted by a competent tribunal, properly authenticated, shall be filed. No judgment shall be rendered until the plaintiff executes bond to the state, with good surety that is resident of the county, conditioned to pay any debt due by his decedent to any resident of this state to the extent assets come to his hands.
- (3) Actions may be brought on the bond required by subsection (2) for the use of any creditor of the decedent for three years after the date of each receipt of assets by the executor or administrator in this state but not after.
- (4) If there is an executor or administrator of such a decedent qualified by a court of this state, he alone may sue, but any debtor who pays his debt or part of it to a nonresident personal representative without notice of the resident personal representative shall be discharged to the extent of such payment.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3878, 3879, 3880.