

Renunciation

The surviving spouse is the only person that is eligible to renounce a will under this statute. The document and certificate must be recorded in both the court of probate and with the county clerk within six months after the will is probated. If, within those six months, an action contesting the will is brought, the surviving spouse need not make such relinquishment until within six (6) months succeeding the time when the action is disposed of. Provided, however, the period for renunciation may be extended not exceeding six (6) additional months by order entered by the district court upon application of the surviving spouse for such extension within six (6) months after the date of probate.

The relinquishment must be acknowledged before an officer authorized to administer oaths under the laws of this state (see KRS 62.020) and evidenced by the officer's certificate. The relinquishment and certificate shall be in substantially the following form:

I, _____, am the surviving spouse of _____. Except as provided in KRS 392.080(2), I hereby release what is given to me by the will of my said deceased spouse. I understand I will now receive the share to which I am entitled pursuant to KRS 392.080.

Surviving Spouse
THE STATE OF _____
COUNTY OF _____

Subscribed to and acknowledged before me by _____, the surviving spouse of _____, this _____ day of _____.

(Officer's signature and capacity)

The clerk shall request a return mail address (KRS 382.240)