

387.760 Court costs -- Compensation, commission, and reimbursement for expenses.

- (1) No court costs shall be charged to a respondent or ward in any proceeding under KRS 387.500 to 387.770, if the respondent or ward is a poor person as defined in KRS 453.190.
- (2) Limited guardians, guardians, limited conservators and conservators are entitled to reasonable compensation for services rendered and to reimbursement for reasonable and necessary expenses incurred in the exercise of their assigned guardianship or conservatorship duties and powers. Such compensation and reimbursement shall be paid from the financial resources of the ward and shall not exceed:
 - (a) A commission of not more than six percent (6%) of the income collected by the fiduciary, payable at the time the income is collected; and
 - (b) Either, but not both, of the following, as elected by the fiduciary:
 1. An annual commission of three-tenths of one percent (0.3%) of the fair market value of the real and personal property in the care of the fiduciary; or
 2. An annual commission of not more than six percent (6%) of the fair market value of the principal distributed by the fiduciary, payable at the time the principal is distributed.

In the absence of an agreement to the contrary, a commission on income shall be paid out of the income of the estate and a commission on principal shall be paid out of the principal of the estate.

- (3) Upon submitted proof showing that in the handling of the estate the fiduciary has performed additional and necessary services which have been unusual or extraordinary and not normally incident to the care and management of a similar estate, the court may allow the fiduciary additional compensation as is fair and reasonable for the additional services rendered.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 28, sec. 20, effective July 15, 2010. -- Amended 2008 Ky. Acts ch. 130, sec. 3, effective July 15, 2008. -- Created 1982 Ky. Acts ch. 141, sec. 27, effective July 1, 1982.