

### **396.175 Proportionate payment of claims.**

- (1) All assets of estates being administered in this state are subject to all claims, allowances and charges existing or established against the personal representative wherever appointed.
- (2) If the estate either in this state or as a whole is insufficient to cover all exemptions and allowances determined by the law of the decedent's domicile, prior charges and claims, after satisfaction of the exemptions, allowances, and charges, each claimant whose claim has been allowed either in this state or elsewhere in administrations of which the personal representative is aware, is entitled to receive payment of an equal proportion of his claim. If a preference or security in regard to a claim is allowed in another jurisdiction but not in this state, the creditor so benefited shall receive payment out of local assets only upon the balance of his claim after deducting the amount of the benefit.
- (3) In case the exemptions and allowances, prior charges and claims of the entire estate exceed the total value of the portions of the estate being administered separately and this state is not the state of the decedent's last domicile, the claims allowed in this state shall be paid their proportion if local assets are adequate for the purpose, and the balance of local assets shall be transferred to the domiciliary personal representative. If local assets are not sufficient to pay all claims allowed in this state in the amount to which they are entitled, local assets shall be marshaled so that each claim allowed in this state is paid its proportion as far as possible, after taking into account all payments on claims allowed in this state from assets in other jurisdictions.

**Effective:** July 15, 1988

**History:** Created 1988 Ky. Acts ch. 90, sec. 23, effective July 15, 1988.