

**397.1004 Co-owner with right of survivorship -- Requirement of survival by one hundred twenty (120) hours.**

Except as provided in KRS 397.1006:

- (1) If it is not established by clear and convincing evidence that one (1) of two (2) co-owners with right of survivorship survived the other co-owner by one hundred twenty (120) hours, one-half (1/2) of the property shall pass as if one (1) had survived by one hundred twenty (120) hours and one-half (1/2) as if the other had survived by one hundred twenty (120) hours.
- (2) If there are more than two (2) co-owners and it is not established by clear and convincing evidence that at least one (1) of them survived the others by one hundred twenty (120) hours, the property shall pass in the proportion that each bears to the whole number of co-owners.

**Effective:** July 15, 1998

**History:** Created 1998 Ky. Acts ch. 415, sec. 4, effective July 15, 1998.