

Agency Function and Records Summary

County Clerk's Office

The office of the county court clerk was first created when Kentucky was part of the Commonwealth of Virginia. When Kentucky became a state in 1792 the first constitution of Kentucky provided for the appointment of the county clerk by the county court. The clerk's duties included collecting taxes, creating a list of persons and property for tax purposes, receiving, and acknowledging deeds in and out of county court, administering oaths and performing other duties. The third constitution was adopted in 1850, and it made the county court clerk an elective office and their duties expanded to include licensing of businesses, recorded property records (deeds) and all public moneys received to the circuit court. Most of their duties were for the courts. Under the present constitution (1891) the county court clerk has taken on many duties. Those include elections, recording of deeds, mortgages, liens, collecting delinquent tax, marriage licensing, probate (recording of wills and maintaining the original will), motor vehicle licensing, recording certain UCC filings, administering oaths, recording incorporations, and other duties. The county court clerks can choose to be the clerk of the fiscal court.

Corporations Section

Revisions to the Schedule

Staff made administrative changes to one (1) series without changing retention or disposition:

- Series L1369, Certificate of Business Operating Under an Assumed Name

Fiscal Court Section

Revisions to the Schedule

Staff made administrative changes to two (2) series without changing retention or disposition:

- Series L1216, Record of Fiscal Court Proceedings
- Series L1220, Sheriff's Settlements with Fiscal Court

Closed Series with administrative changes:

- Series L1221, Poorhouse Keeper's Report

Miscellaneous Section
Revisions to the Schedule

Changes in retention:

- **Series L3111, Going out of Business License File**

Current retention: Retain 3 years after last day of sale and after audit.

Proposed retention: Retain for three (3) years after completion of sale and audit, then destroy.

Rationale: Retention meets administrative need.

Closed Series with administrative changes:

- Series L1526, School Census and Enumeration Sheet
- Series L1527, Annual Settlement of Common School Commissioners or Superintendent
- Series L1528, Common School Commissioners and District Trustees Financial Report to State Board of Education
- Series L1531, Trustee Oaths of Allegiance (Civil War Era)
- Series L1532, Indenture of Apprenticeship Records
- Series L1539, Enslaved Persons Records (Civil War Era)
- Series L1540, Naturalization Records
- Series L1748, Mental Illness Inquest File (pre-1978)
- Series L1752, County Court Minutes (pre-1978)
- Series L2776, Declaration of Paternity Affidavit (pre-1978)

Staff made administrative changes to six (6) series without changing retention or disposition:

- Series L1518, Orders Relating to Closing or Demolition of Buildings
- Series L1519, Surveyor and Processioneer Reports
- Series L1534, Writs of Ad Quod Damnum
- Series L1536, Appointments and Resignations of Local Officials
- Series L2577, County Judge/Executive Orders (post-1977)
- Series L2831, Record Book of Common School Commissioner

Deletions from the Schedule

*The following series are being deleted and covered by other series on the agency's Retention Schedule or on the General Schedule for Local Agencies with **no changes in retention**:*

- **Series L1529, Report of District Trustees**

New Series: L1528, Common School Commissioners and District Trustees Financial Report to State Board of Education

- **Series L1533, Indenture of Apprenticeship Records**

New Series: L1532, Indenture of Apprenticeship Records

**Archives and Records Management Division
Kentucky Department for Libraries and Archives**

**LOCAL AGENCY RECORDS
RETENTION SCHEDULE**

LOCAL GOVERNMENTS
County/Local: County Clerk

Series	Records Title and Description	Function and Use
L1369	Certificate of Business Operating Under An Assumed Name (V)	This record series represents certificates issued by county clerks authorizing named individuals to conduct business under assumed names. The recorded certificates are often located with other recorded instruments in Miscellaneous Books (L1753).
	Access Restrictions	Agency should contact legal counsel regarding open records matters.
	Series May Contain	Name(s) of owners and business, type of business, date of certificate, attestation by county clerk office, recording date, and other relevant information.
	Retention and Disposition	Retain Permanently.

**Archives and Records Management Division
Kentucky Department for Libraries and Archives**

**LOCAL AGENCY RECORDS
RETENTION SCHEDULE**

LOCAL GOVERNMENTS
County/Local: County Clerk

Series	Records Title and Description	Function and Use
L1216	Record of Fiscal Court Proceedings (V)	This record series documents actions taken by a fiscal court. Fiscal courts are empowered to enact ordinances, issue regulations, levy taxes, issue bonds, appropriate funds, develop budgets, oversee implementation of policies and procedures, and employ personnel. These records may include, but are not limited to, minutes, claims, and administrative actions. Portions of this series may be included with other series, including Official Minutes (L4938, General Schedule), Orders (L1218), Settlements (L1220, L2628), and various reports.
	Access Restrictions	Agency should contact legal counsel regarding open records matters.
	Series May Contain	Date, time, transcribed minutes, signatures of County Clerk and Judge/Executive, and other relevant information.
	Retention and Disposition	Retain Permanently.
L1220	Sheriff's Settlements with Fiscal Court	This record series documents the annual (final) settlement by the sheriff in each county. Sheriffs settle agency accounts and collect taxes for districts on or before September 1st of each year. If a sheriff resigns, dies, or vacates the office, the records will be made available to the Fiscal Court within thirty (30) days from the vacated date. Settlements should include the amount of ad valorem tax collected and an itemized statement of money disbursed to or on behalf of the county, school district, and all taxing districts.
	Access Restrictions	Agency should contact legal counsel regarding open records matters.
	Series May Contain	Account information, taxes collected, delinquent taxes, and other relevant information.
	Retention and Disposition	Retain Permanently.
L1221	Poorhouse Keeper's Report	Closed series - this record is no longer created. This record series documents the annual settlements and original statements by poorhouse keepers to the fiscal court.
	Access Restrictions	Agency should contact legal counsel regarding open records matters.
	Series May Contain	Account information, taxes collected, delinquent taxes, and other relevant information.
	Retention and Disposition	Retain Permanently.

**Archives and Records Management Division
Kentucky Department for Libraries and Archives**

**LOCAL AGENCY RECORDS
RETENTION SCHEDULE**

LOCAL GOVERNMENTS
County/Local: County Clerk

Series	Records Title and Description	Function and Use
L1526	School Census and Enumeration Sheet	Closed series - this record is included in series L5327, Student Census Record (Public School District schedule). This record series represents records of student enrollment within each school district. The annual data collection for state reporting includes demographics, attendance and residency for funding calculations. These records are primarily from the late 19th and early 20th century.
	Access Restrictions	Agency should contact legal counsel regarding open records matters.
	Series May Contain	Names of parents or guardians, address, student information (names, birth dates, genders), signatures, and other relevant information.
	Retention and Disposition	Retain Permanently.
L1527	Annual Settlement of Common School Commissioners or Superintendent	Closed series - this record is included in series L5327, Student Census Record (Public School District schedule). This record series documents the settlement of Common School Commissioners or Superintendent with the County Court.
	Access Restrictions	Agency should contact legal counsel regarding open records matters.
	Series May Contain	Date of settlement, amount and source of receipts, amount dispersed, approval of county judge, attestation of county clerk, and other relevant information.
	Retention and Disposition	Retain Permanently.

**Archives and Records Management Division
Kentucky Department for Libraries and Archives**

**LOCAL AGENCY RECORDS
RETENTION SCHEDULE**

LOCAL GOVERNMENTS
County/Local: County Clerk

Series	Records Title and Description	Function and Use
L1518	Orders Relating to Closing or Demolition of Buildings	This record series documents orders relating to buildings that are either closed due to building violations or will be demolished for safety or necessity.
	Access Restrictions	Agency should contact legal counsel regarding open records matters.
	Series May Contain	Name of owner, address, type of business, order, and other relevant information.
	Retention and Disposition	Retain Permanently.
L1519	Surveyor and Processioner Reports	This record series represents reports made to, and approved by, the Fiscal Court by county appointed surveyors and processioners who establish boundary lines for disputed lands.
	Access Restrictions	Agency should contact legal counsel regarding open records matters.
	Series May Contain	Plat or drawing of surveyed area, description of surveyed area, date of survey, name(s) of disputing person(s), Certificate of Attestation, notices, processioners report, depositions, affidavits, and other relevant information.
	Retention and Disposition	Retain Permanently.

**Archives and Records Management Division
Kentucky Department for Libraries and Archives**

**LOCAL AGENCY RECORDS
RETENTION SCHEDULE**

LOCAL GOVERNMENTS
County/Local: County Clerk

Series	Records Title and Description	Function and Use
L1528	Common School Commissioners and District Trustees Financial Report to State Board of Education	<p>Closed series - this record is no longer created. The series is a combination of L1528, Common School Commissioners Financial Report and L1529, Report of District Trustees.</p> <p>This record series documents annual settlements and financial reports to the state board of education.</p> <p>Agency should contact legal counsel regarding open records matters.</p> <p>District number, date, amount received from state, amount disbursed to teachers, names of teachers, county, number of children in school/district, cost per student, signature of trustees or commissioners, attestation of school officials, and other relevant information.</p> <p>Retain Permanently.</p>
L1531	Trustee Oaths of Allegiance (Civil War Era)	<p>Closed series - this record is no longer created.</p> <p>This record series represents the oaths taken by a trustee during the Civil War era swearing allegiance to the Constitution. The trustee pledges they will not aid in rebellion or in the establishment of provisional governments.</p> <p>None</p> <p>Name of trustee, oath, signatures, name of witnessing judge, and other relevant information.</p> <p>Retain Permanently.</p>
L1532	Indenture of Apprenticeship Records	<p>Closed series - this record is no longer created. The series is a combination of L1532, Indenture of Apprenticeship Book and L1533, Indenture of Apprenticeship Bonds.</p> <p>This record series documents indentures of apprenticeship where a child is bound to serve a person until the age of 18. The apprentice (child) is bound to a craftsman or person to learn a specific or skilled trade in exchange for food and shelter. A bond is taken out to secure the apprentice's completion of the apprenticeship.</p> <p>None</p> <p>Name of apprentice, name of master/mistress or tradesperson, location, date, court order, type of apprenticeship, length of agreement, duties of each party, reason for apprenticeship, birth date of apprentice, signature(s), conditions for apprenticeship, clerk's certification, and other relevant information.</p> <p>Retain Permanently.</p>

**Archives and Records Management Division
Kentucky Department for Libraries and Archives**

**LOCAL AGENCY RECORDS
RETENTION SCHEDULE**

LOCAL GOVERNMENTS
County/Local: County Clerk

Series	Records Title and Description	Function and Use
L1534	Writs of Ad Quod Damnum	This record series documents ordered inspections of land (property) that has been seized for various reasons (e.g. road construction) and of nearby property to determine impacts from the action/modification.
	Access Restrictions	Agency should contact legal counsel regarding open records matters.
	Series May Contain	Location of property, date of order, date of survey, order, reason for seizure, clerk certification, and other relevant information.
	Retention and Disposition	Retain Permanently.
L1536	Appointments and Resignations of Local Officials	This record series documents the appointments and resignations of county officials that are filed with the Fiscal Court for approval. Some appointment records may also be included with L1407, Governor's Certificates of Appointment of Local Official.
	Access Restrictions	Agency should contact legal counsel regarding open records matters.
	Series May Contain	Name, office, local jurisdiction, length of term (appointments), date, reason for leaving (resignation), and other relevant information.
	Retention and Disposition	Retain Permanently.
L1539	Enslaved Persons Records (Civil War Era)	Closed series - this record is no longer created. This record series documents the enslavement of individuals in Kentucky. Kentucky remained a slave holding state until the abolishment of slavery was ratified by the 13th Amendment in 1865. These records are not straightforward and might be included in and with other records. Records may include lists of enslaved persons, Manumission Reports, Orders for Mancipation (found with Orders, L1218), Chattel Mortgages (L1360), Indentures (L1532), Bonds, Estate Settlements (L5048), Tax Assessments (L1433), deeds and mortgages of enslaved persons (L1317, L1344), affidavits of ownership of enslaved persons, and others.
	Access Restrictions	None
	Series May Contain	Names of enslavers and enslaved persons, reference to enslavement, and other relevant information.
	Retention and Disposition	Retain Permanently.

**Archives and Records Management Division
Kentucky Department for Libraries and Archives**

**LOCAL AGENCY RECORDS
RETENTION SCHEDULE**

LOCAL GOVERNMENTS
County/Local: County Clerk

Series	Records Title and Description	Function and Use
L1540	Naturalization Records	<p>Closed series - this record is no longer created by counties.</p> <p>This record series documents the process of a becoming a naturalized citizen of the United States. Prior to 1940, naturalizations could be processed through any Kentucky court, including a county court. Since 1940, federal agencies have been tasked with the naturalization process. Records created by county courts are often included with Orders (L1218) Documents related to naturalization include, but are not limited to, declarations of intention, Register of Naturalized Citizens, final papers, "Minor Aliens Admitted", transcripts of certificates, petitions, and oaths.</p> <p>Access Restrictions None</p> <p>Series May Contain Name, date, place of birth, address, gender, time length of residence in the U.S., county, state, occupation, place of employment, references, statement of renouncement of allegiance to native land, signature of immigrant, date of arrival in U.S., attestation of county court clerk, date filed, and other relevant information.</p> <p>Retention and Disposition Retain Permanently.</p>
L1748	Mental Illness Inquest File (pre-1978)	<p>Closed series - this record is no longer created after January 1,1978, and the restructuring of the Court System.</p> <p>This record series documents the quasi-judicial examination to determine a person's mental condition. An application for inquest is submitted with sufficient preliminary facts to a court. The examination is held by a proper authority and special jury who hear evidence and render a verdict.</p> <p>Access Restrictions Agency should contact legal counsel regarding open records matters.</p> <p>Series May Contain Date of inquest, details of the examined person (name, age, gender, occupation, marital status, address, parents), names of jurors, examining physician, findings of court, signatures (jury foreman, physician, county clerk), order book number and page, and other relevant information.</p> <p>Retention and Disposition Retain Permanently.</p>

**Archives and Records Management Division
Kentucky Department for Libraries and Archives**

**LOCAL AGENCY RECORDS
RETENTION SCHEDULE**

LOCAL GOVERNMENTS
County/Local: County Clerk

Series	Records Title and Description	Function and Use
L1752	County Court Minutes (pre-1978)	<p>Closed series - this record is no longer created after January 1,1978, and the restructuring of the Court System.</p> <p>This record series documents the minutes of the County Court and records appearances, orders, and other entries also often recorded with County Court Orders (L1218).</p> <p>Access Restrictions Agency should contact legal counsel regarding open records matters.</p> <p>Series May Contain Date of meetings, orders, appearances, notices, names of persons in attendance, signature of judge, and other relevant information.</p> <p>Retention and Disposition If included with County Court Order Book (L1503), destroy. If not, retain permanently.</p>
L2577	County Judge/Executive Orders (post-1977) (V)	<p>This record series documents orders from the County Judge/Executive. The County Judge/Executive was established by act of the Kentucky Legislature (Acts 1976, Chapter 20, Section 1) and went into effect on January 1, 1978. Prior to this, the county judge was responsible for probate, judicial, and administrative duties. In some counties, a county clerk would continue to record these orders with the previous County Court Orders (L1503) until the book was complete; some overlap has occurred. These records include certifications (ex. notary public), solemnization of marriages, resignations of elected officials, appointments, and miscellaneous records. This record series documents the minutes of the County Court and records appearances, orders, and other entries also often recorded with County Court Orders (L1218).</p> <p>Access Restrictions Agency should contact legal counsel regarding open records matters.</p> <p>Series May Contain Style of order, order, date of order, signature of County Judge/Executive, and other relevant information.</p> <p>Retention and Disposition Retain Permanently.</p>
L2776	Declaration of Paternity Affidavit (pre-1978)	<p>Closed series - this record is no longer created after January 1,1978, and the restructuring of the Court System.</p> <p>This record series documents affidavits (written declarations made under oath before an official) made by women declaring a child out of wedlock for the purpose of financial support. This function was transferred to the circuit court after restructuring the Court System (Series 04750, Circuit/District Court (post-1978) schedule).</p> <p>Access Restrictions Agency should contact legal counsel regarding open records matters.</p> <p>Series May Contain Affiants name, date, information about the child (name, date of birth, place of birth), information about the father (name, county of residence), certification of county clerk, and other relevant information.</p> <p>Retention and Disposition Retain Permanently.</p>

**Archives and Records Management Division
Kentucky Department for Libraries and Archives**

**LOCAL AGENCY RECORDS
RETENTION SCHEDULE**

LOCAL GOVERNMENTS
County/Local: County Clerk

Series	Records Title and Description	Function and Use
L2831	Record Book of Common School Commissioner	<p>Closed series - this record is included in series L2847, Record Book of Common School Commissioner (Public School District schedule).</p> <p>This record series is used to document the operation of the Common School Commissioner or County School Superintendent. This volume contains primary and essential information about the operation and management of the School District. Precise informational content varies by school district, school district organization, and time period. However, this volume contained essential information for school operations and to fulfill reporting and planning requirements. This volume possesses enduring value beyond its original purpose because of its evidentiary and informational record about the county school system. As found in the county clerks office this is usually a 19th and early 20th century record. This record may also be located in the County School Superintendents Office. There also should be found the more current records of this series. This record is frequently found in county clerks offices because it was common prior to 1940 for the school superintendents office to be located in the courthouse. The clerks office was a convenient and natural location to place these completed records.</p> <p>Access Restrictions Agency should contact legal counsel regarding open records matters.</p> <p>Series May Contain Description of district boundaries, changes to boundaries, school trustee information (name, address, division/subdivision, elections, appointments, resignations), record of payment to teachers (names, amounts, period), record of general receipts and expenditures, school operation expenditures, trustee expenditures, record of applicants for certification or licensing, minutes of board of education, Annual Settlement of Common School Commissioners or Superintendent, record of applicants for graduation (name, address, grads, average), school district roster, and other relevant information.</p> <p>Retention and Disposition Retain Permanently.</p>
L3111	Going Out of Business License File	<p>This record series documents required licensing for sales conducted as part of a business closure, as mandated by KRS 365.410-365.480 and KRS 365.992.</p> <p>Access Restrictions Agency should contact legal counsel regarding open records matters.</p> <p>Series May Contain Application for license (applicant name, address, business name, and style of sale, address of date of sale, person in charge of sale, explanation of condition or necessity for sale, description name of sale, etc.), inventory or content of merchandise to be sold, surety bond to conduct sale, license to conduct sale, and other relevant information.</p> <p>Retention and Disposition Retain for three (3) years after completion of sale and audit, then destroy.</p>