

## 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.

### Revisions to the Schedule

#### *Changes in retention:*

- Series L1314, Original Wills

**Current retention:** Retain permanently

**Proposed retention:** For wills recorded prior to 1978: destroy.

For wills recorded between January 1, 1978 and January 1, 2027: retain for 10 years after recording, then return to designated person.

For wills recorded after January 1, 2027: retain for 3 years after recording, then return to designated person.

**Rationale:** Updated due to statutory requirements.

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

- Series L1315, Recorded Wills

**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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>L1314</b> | <b>Original Wills</b>            | This record series represents the original will presented to a county clerk for recording. A will or last testament is the legal expression or declaration of a person's wishes regarding the disposition of real and/or personal property after death. Wills include a codicil and any testamentary instrument that appoints an executor, revokes or revises a previous will, nominates a guardian, or expressly excludes or limits the right of an individual or class to succeed to property of a decedent and must meet the requirements of KRS 394. Under KRS 394.300, "every will admitted to probate by any court shall be recorded by the county clerk&hellip;". The recorded will is retained as Recorded Will (L1315) and the original is retained per KRS 394.300. |
|              | <b>Access Restrictions</b>       | Agency should contact legal counsel regarding open records matters.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|              | <b>Series May Contain</b>        | Date of will, name of testator, address, statement of intent, names of beneficiaries, manner of distribution, information about heir, inheritance details, signatures of testator and witnesses, date recorded, attestation, and other relevant information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|              | <b>Retention and Disposition</b> | For wills recorded prior to 1978: retain permanently.<br><br>For wills recorded between January 1, 1978 and January 1, 2027: retain for 10 years after recording, then return to designated person.<br><br>For wills recorded after January 1, 2027: retain for 3 years after recording, then return to designated person.                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>L1315</b> | <b>Recorded Wills (V)</b>        | This record series represents the statutorily required recording of a Will (L1314). Under KRS 394.300, "every will admitted to probate by any court shall be recorded by the county clerk and shall remain in the office of the county clerk" with few exceptions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|              | <b>Access Restrictions</b>       | Agency should contact legal counsel regarding open records matters.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|              | <b>Series May Contain</b>        | Date of will, name of testator, address, statement of intent, names of beneficiaries, manner of distribution, inheritance details, signatures of testator and witnesses, date recorded, attestation, copy of probate order, and other relevant information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|              | <b>Retention and Disposition</b> | Retain Permanently.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |