

authority and control in the absence of a Declaration as to a Designee, providing in part by order of priority:

- (1) A spouse;
- (2) A majority of adult children;
- (3) Parents of the Declarant;
- (4) A majority of adult grandchildren;
- (5) A majority of the Declarant's adult siblings;
- (6) A majority of those persons in the same next degree of kinship (other than those listed above) under Kentucky's intestate laws on real property.
- If there are no persons as described 1-6 then the following persons may act, namely:
- "Any other person willing to act and arrange for the "final disposition of the Decedent's remains" or
- A funeral home with a valid pre-paid funeral plan for the disposition of the Decedent's remains.
- If there are still no persons willing to serve, then the next qualified persons would be a court appointed guardian or conservator for the Decedent at the time of the Decedent's death, and
- Finally, in the absence of any of the above, the district court for the county of the Decedent's residence will have the authority to appoint a person or persons to have control of the disposition of the Decedent's remains.

In the absence of any of the above, the District Court of the county of the Decedent's residence will have authority.

4. MOST RECENT DECLARATION PREVAILS

The most recent Declaration made by the Declarant will prevail over prior documents. The invalidity of any specific preference or direction will not otherwise affect the validity of the Declaration.

5. VALIDITY AND REVOCATION

The Funeral Declaration remains in effect until revoked by the Declarant in writing. This revocation has to be delivered to whom the Declaration was previously given (i.e., the designee).

6. AUTOMATIC REVOCATION

Certain events occurring subsequent to a Declaration shall act as a revocation of a designation of authority in a Declaration to

a decedent's spouse as Designee. A dissolution or annulment of marriage or a legal separation or a court determination that the Declarant and such spouse were physically and emotionally separated at the time of death, (which for an extended time demonstrates "the absence of affection, trust and regard for the Declarant"). In such event, it is important to always have an alternate Designee in case the initial designee cannot serve due to such revocation or is unable to serve.

7. IMMUNITY FROM LIABILITY FOR ACTIONS

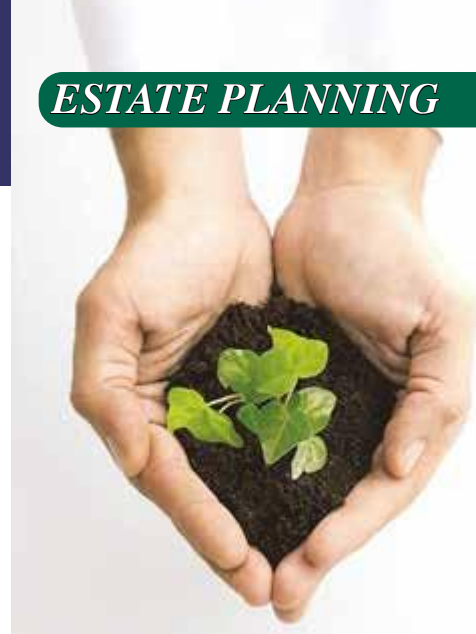
Generally, a person who acts in good faith relies on a Funeral Declaration is immune from liability to the same extent as if the person had dealt directly with the Declarant and the Declarant had been a competent and living person.

- Further, a person who deals with a Declaration may presume in the absence of actual knowledge to the contrary, that:
- The Declaration was validly executed and has not been revoked; and
- The Declarant was competent at the time the Declaration was executed.

- Finally, a crematory authority and licensed funeral director and cemetery acting pursuant to the terms of a Declaration will not be held liable for and in regard to a good faith reliance on representations made in any such declaration.

8. HELPFUL RESOURCE

For what it is worth, a good and helpful form Declaration can be a dated but still found on the Kentucky Attorney General's web-site (Look for Funeral Planning Declaration, Form F PD-1, 04-17)



Call or stop by and
ask about our rates.

Ask about our,
Money Market Investment
Savings Account!



hancockbankonline.com

