

351.173 Notice of possibility of subsidence -- Language required in deed of conveyance.

- (1) Any person may file a notice in the alphabetical cross-index in the county clerk's office in the county where underground coal mining has occurred stating that the mineral has been extracted and that the surface overlying or adjacent to the underground workings may be subject to subsidence. The notice shall be indexed under the name of the current surface owner or lessee of record whose land overlies the underground workings, as well as that of the mineral owner and lessee, and shall be noted on the deed of conveyance in each future conveyance of both the surface and mineral estate. The language in the deed of conveyance shall state the following:

"THE COAL UNDERLYING THIS PROPERTY HAS BEEN EXTRACTED AND THE SURFACE OVERLYING OR ADJACENT TO THE UNDERGROUND WORKINGS MAY BE SUBJECT TO SUBSIDENCE. ANY STRUCTURES ERECTED HEREAFTER SHOULD BE DESIGNED AND CONSTRUCTED SO AS TO PREVENT OR MINIMIZE ANY SUBSIDENCE DAMAGE."

- (2) The failure to include the required language in the deed shall not affect the validity of the deed as between the parties or constructive notice upon the recording of the deed.

Effective: July 15, 1988

History: Created 1988 Ky. Acts ch. 419, sec. 1, effective July 15, 1988.