

**353.470 When trustee may convey title in mineral interest to surface owner --
Payment to surface owner -- Final report of trustee -- Termination of trust.**

- (1) If the severed mineral interests which are the subject of a trustee's lease executed and delivered in accordance with KRS 353.468(3) are produced commercially, and the owners of the severed mineral interests remain unknown or missing for a period of seven (7) years from the date of first production under the lease, the trustee shall file a motion with the court naming the then present surface owners as additional parties and require the surface owners to appear and present proof to the satisfaction of the court that they are vested with fee simple title to the surface estate. Upon a finding by the court that the surface estate is vested in fee simple in the surface owners, the court shall order the trustee to convey to the surface owners by recordable instrument the unknown or missing owners' interest in the severed mineral interests, which conveyance shall be approved by endorsement by the court on the face thereof.
- (2) The trustee shall pay to the surface owners the funds which have accrued to the credit of the severed mineral interests to the date of his final report after payment of all allowable fees, expenses and court costs including a fee to be paid to the trustee in an amount determined by the court.
- (3) From and after the date of the conveyance from the trustee to the surface owners executed and delivered in accordance with subsection (1) of this section, the surface owners shall be entitled to receive all proceeds of production attributable to the severed mineral interests.
- (4) Upon the delivery of the conveyance directed in subsection (1) of this section, and after the payment as directed in subsection (2) of this section, the trustee shall make his final report to the court, and upon approval thereof, the court shall order the trust terminated and the trustee and his bond discharged.

Effective: July 15, 1982

History: Created 1982 Ky. Acts ch. 165, sec. 6, effective July 15, 1982.