

382.794 Private transfer fee obligations prohibited -- Liability for damages and costs -- Buyer's waiver of rights void.

On and after April 11, 2012:

- (1) Private transfer fee obligations, whether recorded or not, shall be prohibited and any contract, covenant, or other instrument that attempts to create a private transfer fee obligation shall be void and unenforceable as against public policy;
- (2) Any person who records or enters into an agreement imposing a private transfer fee obligation in that person's favor shall be liable for:
 - (a) Any and all damages resulting from the imposition of the private transfer fee obligation on the transfer of an interest in the real property, including but not limited to the amount of any transfer fee paid by a party to the transfer; and
 - (b) All attorneys fees, expenses, and costs incurred by a party to the transfer or mortgagee of the real property to recover any private transfer fee paid or in connection with an action to quiet title.

Where an agent acts on behalf of a principal to record or secure a private transfer fee obligation, liability shall be assessed against the principal rather than the agent; and

- (3) Any provision in a contract, covenant, or other instrument that purports to waive the rights of a buyer under this section shall be void.

Effective: April 11, 2012

History: Created 2012 Ky. Acts ch. 118, sec. 2, effective April 11, 2012.