

#### **425.012 Writ of possession.**

- (1) Before a writ of possession shall be issued by the clerk, the person seeking the writ must first make a demand in writing at or after the time the suit is filed, by delivering such demand and a copy of the complaint, motion and summons to the defendant or by sending them to him by registered or certified mail, return receipt requested, to the last known place of residence, at least seven (7) and not more than sixty (60) days before such order is sought. The demand shall contain a statement in substance that the defendant has seven (7) days in which to petition the court for a hearing or in which to pay the amount claimed in the complaint in full, and that unless a hearing is set or the amount paid, a writ of possession will issue. The statement shall identify the court in which the suit has been filed, the grounds therefor, the date of the demand, the amount claimed, and the name and address of the plaintiff and his attorney. An affidavit of the plaintiff or his attorney evidencing compliance with this subsection shall be filed before a writ shall be issued.
- (2) The writ of possession shall be issued by the clerk upon compliance with subsection (1) of this section unless the defendant has requested a hearing, in which case a hearing shall be conducted pursuant to KRS 425.031.

**Effective:** July 15, 1980

**History:** Repealed and reenacted as KRS 425.012, 1980 Ky. Acts ch. 188, sec. 296, effective July 15, 1980. -- Created 1978 Ky. Acts ch. 399, sec. 5, effective June 17, 1978.

**Formerly codified as** KRS 425.312.

**Legislative Research Commission Note.** A technical correction has been made in this section by the Reviser of Statutes pursuant to KRS 7.136.