

425.091 Levy on property.

- (1) Except as otherwise provided in this section, upon receipt of the writ of possession the levying officer shall search for and take custody of the specified property, if it be in the possession of the defendant or his agent, either by removing the property to a place of safe keeping or upon order of the judicial officer by installing a keeper.
- (2) If the specified property is used as a dwelling, levy shall be made by placing a keeper in charge of the property for two (2) days at the plaintiff's expense, after which period the levying officer shall remove the occupants and any contents not specified in the writ and shall take exclusive possession of the property.
- (3) If the specified property or any part of it is in a private place, the levying officer shall at the time he demands possession of the property announce his identity, purpose and authority. If the property is not voluntarily delivered, the levying officer may cause any building or enclosure where the property may be located to be broken open in such a manner as he reasonably believes will cause the least damage and may call upon the power of any other law enforcement officers of the county to aid and protect him, but, if he reasonably believes that entry and seizure of the property will involve a substantial risk of death or serious bodily harm to any person he shall refrain from seizing the property and shall promptly make a return to the court from which the writ issued setting forth the reasons for his belief that the risk exists. In such case, the judicial officer shall make such orders as may be appropriate.
- (4) Nothing in this section authorizes the levying officer to enter or search any private place not specified in the writ of possession or other order of the judicial officer.

History: Created 1976 Ky. Acts ch. 91, sec. 18.