

425.101 Delivery of property -- Redelivery -- Levy upon perishable property -- Control of property.

- (1) After the levying officer takes possession pursuant to a writ of possession, he shall keep the property in a secure place. Except as otherwise provided by KRS 425.081:
 - (a) If bond with sufficient surety for redelivery is not filed and plaintiff's sureties are not excepted to, the sheriff shall deliver the property to plaintiff ten (10) days after levy of the writ of possession, upon receiving his fees for taking and necessary expenses for keeping the property.
 - (b) If a bond with sufficient surety is filed within ten (10) days after levy of the writ of possession and defendant's sureties are not excepted to, the sheriff or plaintiff, if plaintiff holds possession under subsection (3)(a) of this section shall redeliver the property to defendant upon expiration of the time to so except, upon receiving his fees for taking and necessary expenses for keeping the property not already paid or advanced by the plaintiff.
 - (c) If the plaintiff's sureties are excepted to, or if a bond for redelivery is filed within ten (10) days after levy of the writ of possession and defendant's sureties are excepted to, the sheriff shall not deliver or redeliver the property until the time provided in KRS 425.121.
- (2) Notwithstanding subsection (1) of this section, where not otherwise provided by contract, upon a showing that the property is perishable or will greatly deteriorate or depreciate in value or for some other reason that the interests of the parties will best be served thereby, the judicial officer may order that the property be sold and the proceeds deposited in the court to abide the judgment in the action.
- (3) If it is impractical, or impossible, for the sheriff to retain possession and control of the property levied upon, he may:
 - (a) Immediately, upon seizure, place the property in the hands of the plaintiff, who shall be required to keep the property in a secure place and manner within the Commonwealth of Kentucky for the mandatory ten (10) day holding period, subject to all provisions of paragraphs (1)(b) and (c) of this section, excepting those of expenses and fees.
 - (b) If the property levied upon shall consist of all, or substantially all, of the property within a structure or area, not used as a dwelling, and upon the consent of any third party owner or occupant of the structure or area, levy the writ of possession by securing with locks, or other means, the place or area, and holding the property at the place or area where it is found and levied upon, provided that the defendant shall be afforded a reasonable right of access.

Effective: July 13, 1984

History: Amended 1984 Ky. Acts ch. 158, sec. 5, effective July 13, 1984. -- Amended 1980 Ky. Acts ch. 188, sec. 294, effective July 15, 1980. -- Created 1976 Ky. Acts ch. 91, sec. 20.