

426.655 Trial of motion for judgment on bond -- Judgment -- Execution.

The party to whom the bond is executed may move the court to which it is returned for a judgment thereon against all or any of the obligors or their representatives, having given to them ten days' notice of the motion. The court shall direct a jury to be impaneled, and may cause such issues to be tried as it may prescribe, and direct which party shall be considered plaintiff in the issues. If the property, or any part of it, be found subject to the execution, judgment shall be rendered in favor of the plaintiff therein for the value of the property so subject and ten percent thereon, not exceeding the amount due on the execution and ten percent thereon. An execution may be issued upon the judgment forthwith, on which the same indorsement shall be made as on the execution in virtue of which the property had been seized.

Effective: July 1, 1953

History: Transferred 1952 Ky. Acts ch. 84, sec. 1, effective July 1, 1953, from C.C. sec. 648.