

454.060 Provisions concerning bond required before injunction granted.

- (1) If an injunction be granted to stay proceedings upon a levy made under an execution, and the party applying for the injunction desire to discharge the levy, he shall execute a bond to the effect that he will satisfy the execution to the extent to which the injunction may be dissolved, not exceeding the value of the property released; and upon the execution of such bond, and the issuing of the injunction, the levy shall be discharged. If he does not desire to release the levy, he may execute a bond to the effect that, upon a dissolution of the injunction, in whole or in part, he will have the property, or its value, forthcoming and subject to the order of the court; and, upon the execution of such bond, and the issuing of the injunction, the property levied on shall be delivered to him.
- (2) If such injunction extends further than the stay of proceedings upon the levy, the party shall give such additional bond as the court, judge or officer granting the injunction may direct.
- (3) In all other cases, the court, judge or officer granting the injunction shall, in the order granting it, fix the amount of the bond to be given, and may prescribe its terms. If the terms of the bond be not so prescribed, it shall be to the effect that the party giving it will pay to the party enjoined such damages as he may sustain, if it be finally decided that the injunction ought not to have been granted.
- (4) If the injunction be to stay proceedings upon a judgment, the amount of the bond shall be sufficient to cover, with other damages, the sum of money for which judgment was rendered, with five (5) years' interest thereon, and the rent, hire or value of the use, for two (2) years, of property for which judgment was given; and, in case of personal property, its value also.

Effective: July 15, 1980

History: Amended 1980 Ky. Acts ch. 188, sec. 304, effective July 15, 1980. --
Transferred 1952 Ky. Acts ch. 84, sec. 1, effective July 1, 1953, from C.C. sec. 278.