

**64.470 Remedy for distress for illegal fee-bill.**

- (1) If distraint is made upon the property of a person for a fee-bill that has any unjust or improper charge or item therein, or any item not made out in every respect agreeably to the requirements of law, the person may apply to the officer making the distraint for an exact copy of the fee-bill, and the officer shall make out and deliver the same to such person forthwith.
- (2) Upon receipt of such copy, the person on whom the distraint is made may present it to the circuit judge of the county of his residence, and if, on inspection thereof, the judge is of the opinion that the fee-bill contains any unjust item, or item not made out in every respect according to the requirements of law, he shall, by written indorsement thereon, order the officer to stay proceedings under the distraint until the matter is determined in court.
- (3) Upon the receipt of the order, the officer who made the distraint shall obey it, restore the property distrained to the owner, and return the fee-bill and copy with the judge's order thereon to the circuit clerk's office of his county, with the facts of the case indorsed on the fee-bill.
- (4) The officer who issued the fee-bill shall be notified as directed in subsection (5) of KRS 64.460.
- (5) The court shall quash the fee-bill, and render judgment against the officer issuing the same for the amounts and in the manner stated in KRS 64.460, and execution may issue therefor.

**Effective:** January 2, 1978

**History:** Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 37, effective January 2, 1978. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1759.