

**425.086 Issuance of temporary restraining order in lieu of writ of possession
-- Effect.**

- (1) In any case where the plaintiff has made a motion for a writ of possession under KRS 425.076 the court may in its discretion deny the motion for the writ and issue instead a temporary restraining order under this chapter if it determines that the requirements of subsection (3) of KRS 425.076 are satisfied but that the issuance of the temporary restraining order instead of the writ of possession would be in the interest of justice and equity to the parties, taking into account the effect on the defendant of issuing a writ of possession ex parte, the effect on the plaintiff of issuing the temporary restraining order instead of the writ and other factors that bear on equity and justice under the circumstances of the particular case.
- (2) If the court issues a temporary restraining order under this section, the plaintiff's motion for a writ of possession shall be treated as a motion for a writ of possession under KRS 425.011.

History: Created 1976 Ky. Acts ch. 91, sec. 17.

Legislative Research Commission Note. A technical correction has been made in this section by the Reviser of Statutes pursuant to KRS 7.136.