

426.080 Counties to which executions may issue -- Liability for wrongful issuance.

- (1) No execution against property shall issue to any other county than that in which the judgment was rendered, or that in which the defendant resides, until execution has issued to one of the counties named and has been returned endorsed by the proper officer that no property was found, as to all or part thereof. However, if the plaintiff or his agent or attorney makes and files with the clerk of the court in which the judgment was rendered an affidavit stating that the defendant in the judgment has not sufficient property subject to execution in the county in which the judgment was rendered, or in the county in which he resides, to satisfy the judgment, execution shall issue to any or as many counties as the plaintiff directs.
- (2) The plaintiff shall be liable to the defendant for any damage he sustains by the plaintiff's procuring an execution to issue wrongfully under the provisions of KRS 426.080 to 426.110.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1656.