

426.610 Bonds having the effect of a judgment -- General provisions for.

- (1) Every bond taken on the sale of property under an order of judgment in chancery or on the sale of property under execution, and every replevin and forthcoming bond, shall be signed by the principal and surety, and attested by the person taking the bond, or by someone in his presence. A bond so taken shall be returned to the proper office, with a report of the acts of the person taking it, and, if taken under an execution, the execution shall be returned with the bond. Every such bond shall have the force and effect of a judgment, and if not paid at maturity an execution may issue, which shall be endorsed that no surety of any kind is to be taken.
- (2) The officer taking any bond referred to in subsection (1) of this section, and his sureties, or their representatives, shall be jointly and severally liable to the person injured for any damage he may sustain by the officer taking as surety on the bond a person who was not solvent at the time.
- (3) If one of several obligors or obligees, in any bond referred to in subsection (1) of this section, dies before the bond is satisfied, execution may issue on the bond in the name of the surviving obligees, against the obligor or the survivor. If all the obligees in such a bond die, their personal representatives may, if the bond is not satisfied at maturity, sue out execution thereon against the obligors or their personal representatives if they are all dead, or, if only part are dead, against the survivor and the personal representatives of the deceased.
- (4) If any bond referred to in subsection (1) of this section is quashed, a new execution may issue on the original judgment at the instance of the plaintiff, in the same manner as if the bond had never been given.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 1676, 1677, 1678, 1679, 1680.