

426.280 Proceedings for possession if title of defendant equitable or encumbered.

If it appears in the proceedings provided for in KRS 426.260, that the title of the defendant to the land sold was only equitable, or the land was encumbered by mortgage or lien, the court shall, if the purchaser requires it, subject the land to the payment of the debt of the execution creditor in the same manner as if there was a return of no property found. The court may cause such pleadings to be filed and parties brought before the court as may be necessary to a final equitable judgment in respect to the rights of all parties interested.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1691.