

426.590 Failure to deliver property on forthcoming bond -- Return of officer -- Liability of surety -- Execution for balance due.

- (1) If the defendant in execution fails to pay or replevy the amount of the execution, and fails to deliver the property specified in the forthcoming bond or other property in its place sufficient to satisfy the execution and all costs and commissions, the officer shall return the execution and bond to the office where it was issued and endorse on the execution the levy, the giving of the bond, the particular property which is not forthcoming and all other facts. The surety on the forthcoming bond shall be liable only for the value of the property specified in the bond which is not forthcoming, with interest thereon from the date of the bond and the accruing costs.
- (2) If the property specified in a forthcoming bond is not of value sufficient to satisfy the execution and all costs and commissions, the proper officer may issue another execution and credit it with the value of the property specified in the bond.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1672.