

**135.080 Action by Department of Revenue against defaulting collector -- Notice -- Docketing and trial -- Judgment.**

- (1) When an action is brought in the Franklin Circuit Court against a sheriff or clerk, or against the sureties on his official bond, or against his heirs, devisees or representatives, or against any other person required to pay money into the State Treasury or to do any other act required by law to be done in connection with the payment of money into the State Treasury after it has been collected, the Department of Revenue shall, twenty (20) days before the trial, mail to the defendant in the action, directed to him at the courthouse of his county, a notice in writing stating the amount judgment will be asked for and the time the court will be held. The department shall file a copy of this notice, with the name of the person to whom sent and the time when and the place where sent, with the clerk of the court, to be filed by him and kept with the papers in the action.
- (2) The court, without further notice to the parties, shall proceed with the action. The department shall file with the clerk of the court a memorandum of the names of the parties, the amount due from each defaulter against whom judgment is demanded, and a copy of the bond if any. The clerk shall docket the action in the order in which the names stand on the memorandum.
- (3) Judgments, when given against the defendants in the cases referred to in this section, shall be for the principal due with interest at the rate of ten percent (10%) per annum from the time the amount was due until paid.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 85, sec. 288, effective June 20, 2005. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 155, effective January 2, 1978. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4171, 4172, 4173, 4174.