

99.800 Hearing -- Conditions for eligibility of conservatorship. (Effective January 1, 2022)

- (1) The court shall act upon a petition filed by holding a hearing. A party in interest may be heard with respect to the petition, the requested relief, or any other matter which may come before the court in reference to the proceeding. Any party in interest shall be permitted to present evidence to support or contest the petition, including but not limited to the schedule of encumbrances.
- (2) The court may appoint a competent entity as conservator if it finds all of the following apply as of the date of filing the petition:
 - (a) The building has not been legally occupied for at least the previous twelve (12) months;
 - (b) The owner fails to present sufficient evidence that the property was actively marketed during the preceding sixty (60) day period;
 - (c) The property is not subject to a pending foreclosure action by an individual or nongovernmental entity;
 - (d) The property is not subject to an outstanding mortgage held by a bank or other creditor with a recorded security interest in the property, unless waived by the bank or other creditor;
 - (e) The owner fails to present sufficient evidence the property was acquired by the owner within the preceding six (6) months. The evidence shall not include instances where the prior owner is a member of the immediate family of the current owner, unless the transfer of title results from the death of the prior owner; and
 - (f) The court finds at least three (3) of the conditions meeting the definition of abandoned and blighted property in KRS 99.785 have been established.

Effective: January 1, 2022

History: Created 2021 Ky. Acts ch. 166, sec. 5, effective January 1, 2022.