

99.835 Sale of property by private sale, public auction, other means subject to court order -- Evidence of value of property -- Conditions for sale. (Effective January 1, 2022)

- (1) Upon application of the conservator, the court may order the sale of the property free and clear of all existing liens, claims, and encumbrances subject to the approval and supervision of the court by private sale pursuant to a written contract of sale between the conservator and prospective purchaser, by public auction, or by any other method that the court determines is fair to the owner of the property and all parties in interest, is reasonable under the circumstances, and will maximize the return from the property to the conservatorship estate.
- (2) Before entering an order authorizing the sale of the property by the conservator, the court may require that the conservator provide evidence of the value of the property by affidavit of three (3) real estate appraisers or by any other evidence that the court determines is appropriate.
- (3) If the conservator has received a specific offer for sale that the conservator desires to accept, the conservator shall provide to the court the identity of the buyer and the proposed terms of the sale. If the conservator has not received a specific offer for sale that the conservator desires to accept, the conservator shall provide to the court the proposed procedures for conduct of the sale.
- (4) Any sale of the property shall be made subject to the approval and supervision of the court only after all of the following occur:
 - (a) The court finds the conditions that were the grounds for the petition have been abated or corrected by the conservator and the owner has not successfully petitioned to terminate the conservatorship as set out in KRS 99.845;
 - (b) Notice of the proposed sale and an opportunity for a hearing at which all parties in interest may be heard is given in accordance with the Kentucky Rules of Civil Procedure, provided that if no party objects to the proposed sale or requests a hearing within thirty (30) days, the court may proceed without a hearing; and
 - (c) The court issues an order of sale that sets forth the required procedures for or terms of the sale.
- (5) If the proposed sale is by public auction or any other method other than a private sale approved by the court, the conservator shall conduct and promote the sale in a manner anticipated to raise the highest and best sale price.
- (6) If the proposed sale is pursuant to a specific offer the conservator desires to accept, the court may finally approve the sale and no separate confirmation order is required. If the proposed sale is by public auction or any method other than a private sale approved by the court, the conservator shall seek an order approving the sale process and confirming the sale within ten (10) days of the date of the sale.
- (7) Notwithstanding any provision to KRS Chapter 134 to the contrary, any holder of a local government lien may by written agreement waive or release all or a portion of its lien priority upon sale of a property subject to the lien in accordance with KRS 99.780 to 99.855.

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History: Created 2021 Ky. Acts ch. 166, sec. 12, effective January 1, 2022.