

**120.075 Appeal to Court of Appeals from judgment in primary contest.**

- (1) Any party may appeal to the Court of Appeals from a judgment entered under KRS 120.065. The appeal shall be in accordance with the Rules of Civil Procedure, except that the notice of appeal shall be filed and a supersedeas bond executed in the Circuit Court, and the record shall be filed in the Court of Appeals, within ten (10) days after the entry of the judgment, or within such other time as the Court of Appeals may, for cause shown, permit. The entire original record shall be filed and no designation of record shall be required.
- (2) Upon the filing of the record, the clerk of the Court of Appeals shall immediately deliver it to the chief judge.
- (3) The Court of Appeals in its discretion may issue its mandate forthwith after rendering its decision, but it shall be without prejudice to the right of the losing party to file a petition for rehearing or the power of the court to recall the mandate should the petition be sustained.
- (4) If the judgment is reversed and the case remanded for trial or further action, the proceedings shall continue in the Circuit Court in like manner as when originally filed, beginning ten (10) days after the filing of the mandate with notice to the adverse party.

**History:** Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 134. -- Amended 1976 Ky. Acts ch. 62, sec. 88. -- Created 1974 Ky. Acts ch. 130, sec. 160.