

257.105 Sale of unclaimed animals held by veterinarian.

- (1) In addition to KRS 257.100 or any other provision authorized by law, any unclaimed animal held by a licensed veterinarian for more than ten (10) days of veterinary care and treatment requested by the owner or lawful possessor of the animal may be summarily sold by the veterinarian for the reasonable value of the animal upon compliance with the procedures set forth in this section.
- (2) The veterinarian under subsection (1) of this section shall give written notice of the required payment for services performed and notice of the proposed sale of the animal to the owner or lawful possessor of the animal and to any lienholders of record by certified mail. If the whereabouts of the owner or lawful possessor of the animal cannot be ascertained with reasonable diligence, a notice of the proposed sale shall be published in a newspaper, qualified under KRS 424.120, circulated in the county where the animal is located at least ten (10) days preceding the sale. The notice shall state the amount due and the date, place and time of sale.
- (3) The proceeds of a sale under this section shall first be used to reimburse the veterinarian for an amount equal to the reasonable value of the veterinary care and treatment, plus any other care and board given the animal; the excess amount, if any, from a sale shall be paid to the owner or lawful possessor of the animal or to other persons legally entitled thereto. If the proceeds from the sale fail to cover the amount owed the veterinarian, the owner or lawful possessor of the animal shall remain liable for the unpaid portion.
- (4) A sale under this section shall not relieve the owner or lawful possessor of the animal from any other obligation to the veterinarian.
- (5) Any veterinarian making a sale provided for in this section shall make a sworn statement setting forth the following:
 - (a) The kind and number of animals sold;
 - (b) The amount realized from any such sale;
 - (c) The amount claimed due by the veterinarian;
 - (d) The name of the former owner or lawful possessor requesting the care and treatment performed by the veterinarian on the animal or animals sold;
 - (e) The dates when the treatment was commenced and was completed;
 - (f) The date or dates when notice of the proposed sale was given the owner or lawful possessor of the animal or animals sold;
 - (g) The description or the identification number of the animal or animals sold, and if branded, the brand thereon;
 - (h) The name and address of the veterinarian making the sale; and
 - (i) The name and address of the purchaser of the animal or animals sold.

The record shall be filed within five (5) days of the sale in the office of the county clerk of the county in which the sale is made.

Effective: June 25, 2009

History: Amended 2009 Ky. Acts ch. 22, sec. 10, effective June 25, 2009. -- Created 1990 Ky. Acts ch. 452, sec. 1, effective July 13, 1990.