

### **286.3-862 Powers and duties of receiver.**

- (1) A receiver shall have the following powers:
  - (a) To take possession of all books, records and assets of the bank;
  - (b) To collect all debts, claims and judgments belonging to the bank, and to do such other acts as are necessary to preserve and liquidate its assets;
  - (c) To execute in the name of the bank any instrument necessary or proper to effectuate its powers or perform its duties as receiver;
  - (d) To initiate, pursue and defend litigation involving any right, claim, interest or liability of the bank;
  - (e) To exercise any and all fiduciary functions of the bank as of the date of appointment as receiver;
  - (f) Subject to the approval of the receivership court, to borrow money as necessary in the liquidation of the bank, and to secure such borrowings by the pledge or mortgage of bank assets; the repayment of money borrowed under this subsection and interest thereon shall be considered an expense of administration under KRS 286.3-872;
  - (g) Subject to the approval of the receivership court, to abandon or convey title to any holder of a mortgage, security deed, security interest or lien against property in which the bank has an interest, whenever the receiver determines that to continue to claim such interest is burdensome and of no advantage to the bank, its depositors, creditors or shareholders;
  - (h) Subject to the approval of the receivership court, to sell any and all real and personal property, to compromise any debt, claim or judgment due to the bank and to discontinue any action or other proceeding pending therefor; and
  - (i) Subject to the approval of the receivership court, to avoid preferential transfers as defined in KRS 286.3-864.
- (2) A receiver shall have the following duties:
  - (a) To collect, preserve, and liquidate the bank's assets as expeditiously as is compatible with the best interests of the bank and its depositors, creditors and shareholders;
  - (b) To file with the receivership court:
    1. A detailed statement of the assets and liabilities of the bank within thirty (30) days of confirmation; and
    2. A report of its actions in the administration of the liquidation proceedings, together with such other information as the receivership court may require, every ninety (90) days thereafter;
  - (c) To examine claims and reject any claim that is improper; and
  - (d) Unless the receivership court orders otherwise, furnish such information concerning the bank and the administration of the liquidation proceedings as is requested by a depositor, creditor or shareholder.

**Effective:** July 13, 1984

**History:** Created 1984 Ky. Acts ch. 324, sec. 47, effective July 13, 1984.

**Formerly codified as** KRS 287.862.

**Legislative Research Commission Note** (7/12/2006). In accordance with 2006 Ky. Acts ch. 247, secs. 38 and 39, this statute has been renumbered as a section of the Kentucky Financial Services Code, KRS Chapter 286, and KRS references within this statute have been adjusted to conform with the 2006 renumbering of that code.