

355.8-510 Rights of purchaser of security entitlement from entitlement holder.

- (1) In a case not covered by the priority rules in Article 9 of this chapter or the rules stated in subsection (3) of this section, an action based on an adverse claim to a financial asset or security entitlement, whether framed in conversion, replevin, constructive trust, equitable lien, or other theory, may not be asserted against a person who purchases a security entitlement, or an interest therein, from an entitlement holder if the purchaser gives value, does not have notice of the adverse claim, and obtains control.
- (2) If an adverse claim could not have been asserted against an entitlement holder under KRS 355.8-502, the adverse claim cannot be asserted against a person who purchases a security entitlement, or an interest therein, from the entitlement holder.
- (3) In a case not covered by the priority rules in Article 9 of this chapter, a purchaser for value of a security entitlement, or an interest therein, who obtains control has priority over a purchaser of a security entitlement, or an interest therein, who does not obtain control. Except as otherwise provided in subsection (4) of this section, purchasers who have control rank according to priority in time of:
 - (a) The purchaser's becoming the person for whom the securities account, in which the security entitlement is carried, is maintained, if the purchaser obtained control under KRS 355.8-106(4)(a);
 - (b) The securities intermediary's agreement to comply with the purchaser's entitlement orders with respect to security entitlements carried or to be carried in the securities account in which the security entitlement is carried, if the purchaser obtained control under KRS 355.8-106(4)(b); or
 - (c) If the purchaser obtained control through another person under KRS 355.8-106(4)(c), the time on which priority would be based under this subsection if the other person were the secured party.
- (4) A securities intermediary as purchaser has priority over a conflicting purchaser who has control unless otherwise agreed by the securities intermediary.

Effective: July 1, 2001

History: Amended 2000 Ky. Acts ch. 408, sec. 174, effective July 1, 2001. -- Created 1996 Ky. Acts ch. 130, sec. 163, effective January 1, 1997.