

422.170 Statement to be filed by person desiring to perpetuate evidence.

- (1) The party desiring to perpetuate any testimony as provided in KRS 422.160 shall file, in the circuit clerk's office in the county where the real property is located, a statement which shall set forth that he has a title to the real property about which he desires to take testimony or evidence.
- (2)
 - (a) If any parties who may be interested or claim to be interested in the real property are known to the party filing the statement, the statement shall be directed to them and shall give their names and addresses, if known, and if they are nonresidents of this state, the state or county in which they reside, if known.
 - (b) If one (1) or more of the parties are unknown, the statement shall be directed to the parties known to be interested, with the statement in the caption, "to whom it may concern, and to all parties interested in the real property herein described."
 - (c) If no person is known to be interested in the real property, the statement shall be directed "to any and all parties interested in following described real estate," setting forth by description the real estate about which testimony is to be taken.
- (3) The statement shall also set forth the time and place the depositions are to be taken, and the names of one (1) or more witnesses whose testimony or evidence is to be taken at the time stipulated in the statement. The statement shall be subscribed and verified by the party filing it or by his attorney, representative or agent and shall be filed before the notice provided for in KRS 422.180 shall be given.
- (4) Upon the filing of the statement, the circuit clerk shall mark it "filed," and record it in a book kept by him for that purpose, properly labeled and indexed, for which recording he shall receive a fee of one dollar (\$1).
- (5) If any claimant or probable claimant to whom the statement is directed is an infant, a lawyer guardian ad litem shall be designated to represent such infant by the clerk of the court. The clerk shall appoint an attorney to represent nonresident interested parties, claimants, or probable claimants. The same lawyer may be appointed to represent as attorney and guardian ad litem nonresident parties whether infants or not.

Effective: July 15, 1980

History: Amended 1980 Ky. Acts ch. 188, sec. 290, effective July 15, 1980. --
Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat.
sec. 1649a-1.