

426.555 Procedure in case of death of execution defendant.

- (1) The death of a defendant after a sale of his property under execution shall not prevent a conveyance of the property. It shall be conveyed in the same manner and with the same effect as if he were living.
- (2) The levy of an execution is not discharged by the death of the defendant but is suspended according to the provisions of the next following subsection.
- (3) A judgment, or the levy of an execution, may be revived against the personal representative or successor of a defendant after the lapse of six (6) months from the time of the qualification of his first representative and against a real representative after the lapse of twelve (12) months from the time of the death of the defendant. If, however, owing to the perishable nature of the property levied on, or the cost of keeping it, a sale of it would be beneficial, the court may so order; and the proceeds shall be held subject to the order of the court on the rule for a revivor.
- (4) The revivor may be made upon a rule in the action, ten (10) days' notice of which shall be served in the same manner as summons. The motion for revivor shall be docketed and tried as other motions, and the court may cause execution to issue without delay.

Effective: January 2, 1978

History: Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 434, effective January 2, 1978. -- Transferred and amended 1952 Ky. Acts ch. 84, secs. 1 and 14, effective July 1, 1953, from C.C. sec. 407.