

**304.33-320 Claims of holders of void or voidable rights.**

- (1) Disallowance for failure to surrender property. No claims of a creditor who has received or acquired a preference, lien, conveyance, transfer, assignment or encumbrance, voidable under this subtitle, shall be allowed unless he surrenders the preference, lien, conveyance, transfer, assignment or encumbrance. If the avoidance is effected by a proceeding in which a final judgment has been entered, the claim shall not be allowed unless the money is paid or the property is delivered to the liquidator within thirty (30) days from the date of the entering of the final judgment, except that the court having jurisdiction over the liquidation may allow further time if there is an appeal or other continuation of the proceeding.
- (2) Time for filing. A claim allowable under subsection (1) of this section by reason of the avoidance, whether voluntary or involuntary, of a preference, lien, conveyance, transfer, assignment or encumbrance may be filed as an excused late filing under KRS 304.33-360 if filed within thirty (30) days from the date of the avoidance or within the further time allowed by the court under subsection (1) of this section.

**Effective:** June 18, 1970

**History:** Created 1970 Ky. Acts ch. 301, subtit. 33, sec. 32, effective June 18, 1970.