

389A.035 Interests of persons unborn or not immediately ascertainable.

When two (2) or more persons share title to real estate but an interest therein may be possessed by persons unborn or not immediately ascertainable, an action for sale or division may be brought in the same manner as provided in KRS 389A.030 but the interest of the unborn or unascertainable persons, unless a living member of the class to which such persons belong who is sui juris is a party to the action, shall be represented by a guardian ad litem who is not acting in such capacity for any other party to the action. In the event of sale or division under this section, the court shall apply the provisions of subsection (6) of KRS 389A.030 to preserve the interest of the unborn or unascertainable persons until they are born, ascertained or the class to which they belong otherwise closes.

Effective: July 15, 1980

History: Created 1980 Ky. Acts ch. 87, sec. 7, effective July 15, 1980.