

422.270 Action to supply lost record.

When any written instrument, authorized by law to be recorded, has been so recorded, and the book containing it has been lost, destroyed, mutilated or defaced, and there is not in existence a copy of such writing known to the person claiming under it, such person may institute a suit in equity, in the county where such instrument was recorded, against the grantors or obligors in the writing, or his heirs or personal representatives, setting forth the fact of the existence of such writing, and the destruction of the record. Upon hearing, the court may render judgment that the defendants make and execute another writing in lieu of the original, of the same tenor and effect. Upon the failure of the defendants to execute a new writing within a reasonable time, the court shall cause the same to be executed by a commissioner, which shall vest in plaintiff all the rights vested in him by the original writing. If the recorded instrument be a conveyance for land, the plaintiff may make defendants any or all who have had title to the land for fifteen (15) years preceding the institution of the suit. No judgment for costs shall be rendered against the defendants unless they make defense and fail therein, except that, if they fail to convey or execute a new writing when adjudged to do so by the court, they shall, if adults, pay the cost of making the writing by a commissioner.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4000.