

426.270 Proceedings for possession if defendant had no title -- Damages.

If, upon the trial of the motion provided for in KRS 426.260, it appears that the defendant had no title to the land sold under execution, the court may set the sale aside, quash the return of the officer, and award execution for the debt as if no sale had been made. If the land sold had been given up by the defendant to the officer for levy and sale and the sale is set aside, the court shall render judgment against the defendant for ten percent damages upon the amount of the execution, including interest and cost.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1690.