

426.680 Procedure for levy of execution on jointly owned property.

If an officer levy an execution upon personal property held by the execution debtor jointly with another person:

- (1) The officer shall not deprive such person, without his consent in writing, of the possession of the property, except for the purpose of having it inventoried and appraised, which he shall cause to be done pursuant to the provisions of KRS 426.645;
- (2) The officer shall return the inventory and appraisal, with the execution, to the office from which it issued; and shall state in his return the facts connected with the levy, and the claim of the joint owner;
- (3) The execution creditor shall have a lien upon the property levied on, such as is given by law to an execution in the hands of an officer; and upon the aforesaid return, the creditor may enforce said lien by an action in equity;
- (4) If such creditor, at the commencement of his action or afterward, shall file an affidavit that he verily believes the property levied upon will be removed from the county or sold or otherwise disposed of with intent fraudulently to defeat his lien, the court, or the District Court if no Circuit Judge is available, may make an order directing the officer to possess himself of the property so levied upon, unless bond, with approved security, shall be executed to the plaintiff in the execution, binding the obligors in said bond to have the same forthcoming in obedience to any order or judgment of the court in the action; which bond shall be taken by the officer and returned by him to the court in which the action is pending.

Effective: January 2, 1978

History: Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 436, effective January 2, 1978. -- Transferred 1952 Ky. Acts ch. 84, sec. 1, effective July 1, 1953, from C.C. sec. 660.