

382.205 General cross indexes -- Adoption and maintenance.

- (1) Any county where indexes to the records of deeds, mortgages, wills, marriages, or other public records have been or may hereafter be prepared by the Work Projects Administration or other appropriate agency of the United States government, or by order of the fiscal court of any county, such indexes or any of them may be adopted as the official general cross indexes of such records in the manner provided by this section in addition to each individual book index. Upon the completion of any such indexing project by an appropriate federal agency or by a person or persons acting under the authority of a fiscal court, or at any time thereafter, any citizen of the county may petition the county judge/executive to have said index adopted as the official index. Upon the filing of the petition, the county judge/executive may forthwith by appropriate order designate a licensed attorney practicing in the county who with the county attorney and county clerk shall comprise a commission to examine the index proposed to be adopted and ascertain whether the index is a complete and accurate index of the records to which it pertains. The commission shall thereupon make such examination as may be necessary to ascertain to its satisfaction whether such index is complete and accurate. Upon completion of such examination, the commission shall make a written report to the county judge/executive of the results thereof and of its recommendations, which report shall lie over for exceptions for sixty (60) days. Notice of the filing of said report shall be given by the clerk by publication pursuant to KRS Chapter 424. Exceptions may be filed by any interested person, and if filed shall be heard and determined as in other cases. If no exceptions are filed thereto, or upon the exceptions (if any) the county judge/executive shall hear such proof as may be thought proper respecting the report filed by the clerk and the exceptions, and shall determine whether the said index is complete and accurate, and if it is determined that the index is complete and accurate, an order shall be entered adopting said index; provided, that if from such report or such proof it appears that corrections or additions should be made to such index in order to render it accurate and complete, the order may direct that such corrections or additions shall be made by the clerk, and in that event it shall be the duty of the clerk to make such corrections or additions forthwith, and upon his report that he has done so an order shall be entered adopting the index as so corrected. If adopted, said index shall thereupon become the official general cross index of the records to which it pertains, and all persons shall be entitled to rely thereon to the same extent as if the index had been prepared by the county clerk. Upon the adoption of any such index, it shall be the duty of the clerk to bring same up to date from the point at which same ceased to be made by the agency which prepared it, and to continue and maintain said index thereafter in lieu of the indexing system theretofore used, except he will continue to keep the regular individual book index, and to index all instruments lodged for record in conformity therewith. The indexes theretofore used shall not be destroyed after the adoption of the new indexes, but shall be safely kept by the clerk as other records are kept, subject to inspection by any person interested therein.
- (2) Expenses incurred by the county clerk under the provisions of this section shall be paid by the fiscal court of the county.

Effective: June 17, 1978

History: Amended 1978 Ky. Acts ch. 384, sec. 510, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 310, effective January 2, 1978. -- Amended 1966 Ky. Acts ch. 239, sec. 220. -- Amended 1950 Ky. Acts ch. 140, sec. 1. -- Created 1942 Ky. Acts ch. 37, secs. 1 and 2.