

425.076 Issuance of ex parte writ of possession.

- (1) A judicial officer, except as otherwise provided by statute, shall not issue an ex parte writ of possession unless it appears from facts shown by affidavit that great or irreparable injury would result to the plaintiff if issuance of the writ were delayed until the matter could be heard on notice.
- (2) The requirement of subsection (1) is satisfied if any of the following are known:
 - (a) A danger that the property sought to be attached would be concealed or placed beyond the process of the court or substantially impaired in value if issuance of the order were delayed until the matter could be heard on notice.
 - (b) The defendant gained possession of the property by wrongfully taking the property from the plaintiff. This provision shall not apply when the defendant has fraudulently appropriated property entrusted to him or obtained possession by false pretense or by embezzlement.
 - (c) The property is a credit card.
 - (d) Any other circumstances showing that great or irreparable injury would result to the plaintiff if issuance of the writ were delayed until the matter could be heard on notice.
- (3) The plaintiff's motion for the writ shall satisfy the requirements of KRS 425.011 and in addition shall include a showing that the conditions required by this section exist. The judicial officer may issue a writ of possession if he finds that the conditions required by this section exist and the requirements of KRS 425.036 are met. Where a writ of possession has been issued pursuant to this section, a copy of the summons and complaint, a copy of the motion for the writ of possession and any affidavit in support thereof shall be served upon persons required by KRS 425.096 to be served with a writ of possession.

History: Created 1976 Ky. Acts ch. 91, sec. 15.