

425.301 Grounds for attachment in action for recovery of money.

The plaintiff may, at or after the commencement of an action, have an attachment against the property of the defendant, including garnishees, as a security for the satisfaction of such judgment as may be recovered:

- (1) In an action for the recovery of money against:
 - (a) A defendant who is a foreign corporation or nonresident of the state; or
 - (b) Who has been absent herefrom for four (4) months; or
 - (c) Has departed herefrom with intent to defraud his creditors; or
 - (d) Has left the county of his residence to avoid the service of a summons; or
 - (e) So conceals himself that a summons cannot be served upon him; or
 - (f) Is about to remove, or has removed, his property, or a material part thereof, out of this state, not leaving enough therein to satisfy the plaintiff's claim, or the claims of said defendant's creditors; or
 - (g) Has sold, conveyed, or otherwise disposed of, his property, or suffered or permitted it to be sold, with the fraudulent intent to cheat, hinder or delay his creditors; or
 - (h) Is about to sell, convey, or otherwise dispose of his property, with such intent. But an attachment shall not be granted on the ground that the defendant is a foreign corporation, or a nonresident of this state, for any claim other than a debt or demand arising upon a contract, express or implied, or a judgment or award.
- (2) In an action for the recovery of money due upon a contract, judgment or award, if the defendant have no property in this state subject to execution, or not enough thereof to satisfy the plaintiff's demand, and the collection of the demand will be endangered by delay in obtaining judgment or a return of no property found;
- (3) Before an order of attachment shall issue prior to judgment, the person seeking the order must first make a demand in writing at or after the time the suit is filed, by delivering such demand and a copy of the complaint, motion and summons to the debtor or by sending them to him by registered or certified mail, return receipt requested, to his last known place of residence, at least seven (7) and not more than sixty (60) days before such order is sought. The demand shall contain a statement in substance that the debtor has seven (7) days in which to petition the court for a hearing or in which to pay the claim in full, and that unless a hearing is set or the claim paid, an order will be sought to subject his property to payment of the claim. The statement shall identify the court in which the suit has been filed, the grounds therefor, the date of the demand, the amount of the claim, and the name and address of the plaintiff and his attorney. An affidavit of the plaintiff or his attorney evidencing compliance with this section shall be filed before an order shall be issued.

Effective: June 17, 1978

History: Amended 1978 Ky. Acts ch. 399, sec. 4, effective June 17, 1978. --
Created 1976 Ky. Acts ch. 91, sec. 26.