

426.360 Money collected by officer on execution -- Liability for failure to pay over -- Duty on stay of proceedings -- Remedies.

- (1) If a sheriff or other like officer receives money on any writ of execution or other process, and fails on proper demand to immediately pay the money to the party entitled thereto or to his agent or attorney, the officer and his sureties or any one of them, or his personal representatives, heirs or devisees, shall be liable to such party for the amount collected and fifteen percent per annum interest thereon from the demand until paid, together with the costs of recovery, legal and extraordinary. The remedy shall be by motion or action in the court where the execution issued. Ten days' notice of the motion, specifying the grounds thereof, shall be given.
- (2) If the sheriff or a like officer collects any money under an execution in his hands, and the defendant obtains an injunction or other writ staying proceedings on the execution before the money is paid over to the plaintiff, the officer must pay the money or the part for which the execution is stayed to the defendant from whom it was collected. Any officer refusing to pay over money as herein directed shall be liable as provided in subsection (1) of this section.

Effective: October, 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 1715, 1719.