

364.020 Fees for taking up drifts, logs and timber -- Lien -- Sale.

- (1) Whenever any boat, raft or platform, or any timber prepared for market, whether branded or unbranded, is taken up by a person not the owner thereof, the person who takes it up and secures it and delivers it to the owner shall have a claim against the owner for the following fees:

Each freight boat or other heavy boat	\$.	1.00
Each jack boat, skiff or canoe25
Each fleet of timber		10.00
Each raft of not less than forty (40) logs		4.00
Each platform of not less than ten (10) logs		1.00
Each sawlog or other log or tree prepared for sale25
Each cross or railroad tie03
Boards or planks caught in rafts or large body, per 1,000 feet board measure:		
For 20,000 board feet or less50
For over 20,000 board feet25
Boards or planks, loose and scattered, per 1,000 board feet measure		2.50
Staves and heading, for each 1,000 merchantable pieces		3.00

- (2) The taker-up shall have a lien upon the property taken up by him for the fees and charges provided for by this chapter. If the owner of any such property taken up fails to pay the sum charged thereon within sixty (60) days from the day it was taken up, the property shall, at the instance of the person to whom the charges are due, be sold by a constable, sheriff or other officer of the county in which the property was taken up. The sale shall be made by public auction, at the courthouse door to the highest bidder, upon thirty (30) days' written or printed notice, posted at the front door of the courthouse of the county in which the sale is to be made and at two (2) other public places in the county, giving the time and place of sale and a description of the property and any marks or brands thereon.
- (3) The constable or other officer making the sale shall pay to the taker-up his legal fees and charges, after deducting his own commission, which shall be the same as though he had sold the property under execution; and if the proceeds of the sale exceed the charges, fees and commission, he shall deposit the excess with the county clerk of the county in which the sale is made, and take his receipt therefor. If the owner, within one (1) year from the date of the sale, appears before the county judge/executive of the county where the money is deposited with the clerk, and establishes to the satisfaction of the court his right to the money, the clerk shall, upon the order of the county judge/executive, pay the money over to the owner; otherwise it shall be paid into the State Treasury.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1409-1.