

376.110 Action to enforce lien -- Referred to master commissioner -- Special commissioner.

- (1) An action to enforce a lien provided for in KRS 376.010 shall be by equitable proceedings, and conducted as other proceedings in equity in similar cases except as otherwise provided. The petition shall allege the facts necessary to secure a lien, and shall describe the property charged and the interest the plaintiff seeks to subject. As many of the lien-holders as wish to do so may unite in the action as plaintiffs, and those who are not plaintiffs shall be made defendants. The debtor or his personal representative or heirs or devisees, and all other persons having liens on or interests in the property sought to be subjected, shall be made defendants. The clerk of the court in which the petition is filed shall issue the proper process against the resident defenders, enter warning orders against the nonresidents and appoint an attorney to defend for them, and appoint guardians for the infants. After the expiration of ten (10) days from the filing of the petition, the clerk of the court in which the petition was filed shall draw up an order referring the action to the master commissioner of the court and file it with the petition, deliver to the commissioner the pleadings and papers of the action, and make a memorandum thereof in his minute book.
- (2) If for any cause it should be improper to refer the case to the master commissioner, he is then directed to select some suitable person to act as commissioner for the occasion and refer the case to him; but before such person shall proceed to act, he shall, before the clerk, take an oath, and execute bond, with sufficient surety, similar in all respects to the bond required to be executed by the master commissioner, which bond shall be preserved by the clerk, and reported to the court.

Effective: January 2, 1978

History: Amended 1976 (1st Extra Sess.) Ky. Acts ch. 14, sec. 287, effective January 2, 1978. -- Amended 1942 Ky. Acts ch. 125, secs. 1 and 2. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2471, 2476.