

426.205 Sale of vacant and abandoned real property to enforce mortgage or lien -- Proof of vacancy and abandonment -- Confirmation of sale and conveyance of property.

- (1) In an action otherwise properly brought to enforce a mortgage or lien against real property determined by the court to be vacant and abandoned, a sale of the property shall be ordered expeditiously.
- (2) Real property shall be considered vacant and abandoned, for purposes of this section only, if there has been no legal resident or other person legally entitled to occupy the property residing at the property for a period of forty-five (45) or more consecutive days and two (2) or more of the following or similar circumstances which would lead a reasonable person to believe that the property is vacant exist:
 - (a) Overgrown or dead vegetation;
 - (b) Accumulation of flyers, mail, or trash;
 - (c) Disconnected utilities;
 - (d) The absence of window coverings or furniture;
 - (e) Uncorrected hazardous conditions or vandalism; or
 - (f) Statements of neighbors, delivery persons, or government employees that the property is vacant.

Proof of vacancy and abandonment may be offered by affidavit filed at or after the time of filing of the complaint by the plaintiff or other lienholder.

- (3) If the court makes a finding in the order of sale that the property is vacant and abandoned, the master commissioner shall sell the property within seventy (70) days of the order.
- (4) The plaintiff or other mortgage or lienholder in whose favor the judgment and order of sale were entered shall apply for an order confirming the sale within twenty (20) days of the date of the sale and, unless there have been exceptions to the report of the master commissioner, the court shall act on such application not later than the next regularly scheduled civil motion or rule day.
- (5) The master commissioner shall make conveyance of the property on the date the court confirms the sale, or as soon thereafter as all costs and fees have been paid by the foreclosing mortgagee or lienholder, or as soon as a third-party purchaser has paid the purchase price.

Effective: July 12, 2012

History: Created 2012 Ky. Acts ch. 93, sec. 1, effective July 12, 2012.