

426.522 Public, judicial sale of real or personal property -- When conducted by licensed auctioneer. (Effective July 15, 2026)

- (1) If real or personal property is sold at public sale under any order or decree of any court in this state, then the court under whose jurisdiction the sale is to be made may secure the services of an auctioneer licensed in this state to conduct the public sale, fix the auctioneer's fee, and order the fee to be paid out of the proceeds of the sale. The fee:
 - (a) When the sale is the result of a foreclosure process initiated upon the request of a creditor or mortgage holder:
 1. Shall not exceed ten percent (10%) of the sale price on sales of real property, which may be an auction premium or commission charged to the sale of the property; and
 2. Shall not exceed twenty-five percent (25%) of the sale price on sales of personal property. Notwithstanding this subparagraph, the fee for sales of personal property may include an additional auction premium of up to ten percent (10%) of the sale price;
 - (b) In the instance of any other court-ordered or court-decreed sale of real or personal property, shall be agreed upon between the auctioneer and the person making the request; and
 - (c) Shall not include the fees and expenses provided for by rule of the Supreme Court under KRS 31A.010(4) that are incurred by the master commissioner for the sale.
- (2) Upon the request of the creditor or mortgage holder, when property is ordered to be sold by a court, the master commissioner, as described in KRS Chapter 31A, shall employ a licensed auctioneer to handle the sale upon terms and conditions acceptable to the creditor or mortgage holder.
- (3) If real property is sold at a public sale conducted by a licensed auctioneer, then the sale shall be conducted on the site of the real property to be sold. Notwithstanding this subsection, the sale may be conducted at another location in the county in which the real property is located if the licensed auctioneer determines that is the best site for the sale.
- (4) If the master commissioner is also a licensed auctioneer, then the master commissioner shall not receive any extra fee for acting as an auctioneer, but shall receive fees in his or her capacity as master commissioner or special commissioner under KRS 31A.010(4).
- (5) This section shall not waive any provision of KRS 426.160, 426.200, or 426.560.
- (6) Nonforeclosure sales shall be conducted in a manner agreed to by the master commissioner or plaintiff and the auctioneer.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 113, sec. 1, effective July 15, 2026. -- Amended 2021 Ky. Acts ch. 151, sec. 2, effective June 29, 2021. -- Created 2011 Ky. Acts ch. 36, sec. 1, effective June 8, 2011.