

**91.504 Trial -- Master commissioner's judgment sale -- Appeal from judgment of the sale.**

- (1) (a) Upon the trial of the action on the issue of enforcement, the tax bill shall be prima facie proof that the tax described in the tax bill has been validly assessed at the time indicated by the tax bill and that the tax is unpaid.
- (b) Any person alleging any jurisdictional defect or invalidity in the tax bill, or in the sale of the tax bill, shall:
  1. Particularly specify in his or her answer the defect or basis of the alleged invalidity; and
  2. Affirmatively establish the defense at trial.
- (2) After the court has determined the:
  - (a) Validity of the tax liens of all tax bills affecting parcels of real estate described in the petition; and
  - (b) Priorities of the tax bills and other interests and the amount due, including principal, interest, penalties, and costs;the court shall enter a judgment for the sale of the property and shall fix the time and place of the judgment sale.
- (3) The petition shall be dismissed as to any parcel of real estate released or redeemed prior to the time fixed for the master commissioner's sale as provided in KRS 91.481 to 91.527.
- (4) (a) If the parcel of real estate sold at the master commissioner's judgment sale is sold for a sum sufficient to fully pay the principal amount of all tax bills included in the judgment together with interest, penalties, and costs, and for no more, and the sale is confirmed by the court, then all other proceedings as to those parcels of real estate shall be finally dismissed as to all parties of interest other than tax bill owners or holders, except as provided in paragraph (b) of this subsection.
- (b) Any party seeking relief other than an interest in, or lien upon, the real estate may continue with the action to a final adjudication of the other issues.
- (c) An appeal may be taken as to any claim attacking the validity of the tax bill or bills or the priorities as to payment of proceeds of the judgment sale.
- (5) (a) If the parcel of real property sold at the master commissioner's sale is sold for a sum greater than the total amount necessary to pay the principal amount of all tax bills included in the judgment, together with interest, penalties, and costs, and the sale is confirmed by the court, and no appeal is taken by:
  1. Any person claiming any right, title, or interest in or to, or lien upon, the parcel of real estate; or
  2. Any person or taxing authority owning, holding, or claiming any right, title, or interest in or to any tax bills;within the time fixed by law for the filing of a notice of appeal, the court shall order the master commissioner to make distribution to the owners or holders of the respective tax bill included in the judgment of the amount found to be due, and in the order of priority.

- (b) 1. After payments have been made under paragraph (a) of this subsection, all proceedings in the action relating to those persons owning, holding, or claiming any right, title, or interest in any tax bill paid under paragraph (a) of this subsection shall be dismissed by the court.
  - 2. The case shall proceed as to any parties claiming any right, title, or interest, or lien upon, the parcel of real estate affected by the tax bill as to their respective claims to the surplus funds remaining in the hands of the court.
- (6) (a) Whenever an answer is filed to the petition, a severance of the action as to all parcels of real estate affected by the answer shall be granted, and the issues raised by the petition and the answer shall be tried separate and apart from the other issues in the action.
- (b) The granting of the severance under this subsection shall not delay the trial or other disposition of any other issues in the case.
- (7) (a) A separate appeal may be taken from any other issue in the case. A separate appeal may be taken from any action of the court affecting any right, title, or interest in or to, or lien upon, the real estate, other than issues of law and fact, affecting the amount or validity of the lien of tax bills.
- (b) 1. The proceeding to enforce the lien of any tax bills shall not be stayed by the appeal.
  - 2. The trial shall be conducted by the court without a jury.
  - 3. This action shall take precedence over and be triable before any other actions affecting the title to the real estate upon motion of any interested party.

**Effective:** July 15, 2026

**History:** Amended 2026 Ky. Acts ch. 48, sec. 14, effective July 15, 2026. -- Created 1980 Ky. Acts ch. 47, sec. 8, effective July 15, 1980.

**Legislative Research Commission Note** (7/15/2026). Under the authority of KRS 7.136(1), a formatting error in subsection (5)(a) of this section has been corrected in codification. The words in the text were not changed.