

CHAPTER 91
(SB 108)

AN ACT relating to courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 24A.120 is amended to read as follows:

District Court shall have exclusive jurisdiction in:

- (1) Civil cases in which the amount in controversy does not exceed ~~five~~~~four~~ thousand dollars ~~(\$5,000)~~~~(\$4,000)~~, exclusive of interest and costs, except matters affecting title to real estate and matters of equity; however, nothing herein shall prohibit execution levy on real estate in enforcement of judgment of District Court;
- (2) Matters involving probate, except matters contested in an adversary proceeding. Such adversary proceeding shall be filed in Circuit Court in accordance with the Kentucky Rules of Civil Procedure and shall not be considered an appeal; and
- (3) Matters not provided for by statute to be commenced in Circuit Court shall be deemed to be nonadversarial within the meaning of subsection (2) of this section and therefore are within the jurisdiction of the District Court.

➔Section 2. KRS 24A.230 is amended to read as follows:

- (1) The small claims division shall have jurisdiction, concurrent with that of the District Court, in all civil actions, other than libel, slander, alienation of affections, malicious prosecution and abuse of process actions, when the amount of money or damages or the value of the personal property claimed does not exceed ~~two~~~~one~~ thousand five hundred dollars ~~(\$2,500)~~~~(\$1,500)~~ exclusive of interest and costs.
- (2) The division may also be used in civil matters when the plaintiff seeks to disaffirm, avoid, or rescind a contract or agreement for the purchase of goods or services not in excess of ~~two~~~~one~~ thousand five hundred dollars ~~(\$2,500)~~~~(\$1,500)~~ exclusive of interest and costs.
- (3) The division shall have authority to grant appropriate relief, except no prejudgment actions for attachment, garnishment, replevin or other provisional remedy may be filed in the division.

➔Section 3. KRS 24A.290 is amended to read as follows:

The defendant may file with the clerk a counterclaim against the plaintiff in an amount not in excess of **two thousand five hundred dollars** ~~(\$2,500)~~~~fifteen hundred dollars~~~~(\$1,500)~~ exclusive of interest and costs, if the counterclaim arose out of the same transaction or occurrence that is the subject matter of the plaintiff's claim, and if the counterclaim does not require for its adjudication the presence of third parties over whom the division cannot acquire jurisdiction. Any counterclaim shall be filed with the clerk, and a copy delivered to the plaintiff at least five (5) days prior to the time of the hearing. If the defendant's counterclaim is in excess of the jurisdictional limits of the division, then the provisions of KRS 24A.310(1) shall apply.

➔Section 4. Any case which has been filed in a Circuit Court or District Court prior to the effective date of this Act and the change in jurisdictional amounts shall remain in the court in which the case was originally filed, until the disposition of the case.

Signed by Governor March 17, 2011.