

40 KAR 2:200. Application for removal sale license form.

RELATES TO: KRS 365.420

STATUTORY AUTHORITY: KRS 15.180, 365.420(7), 367.150(4)

NECESSITY, FUNCTION, AND CONFORMITY: To fulfill the requirement for an application form to conduct a removal sale with itemization of the inventory of goods identified in KRS 365.420(7).

Section 1. Application for Removal Sale License Form. The "Application for Removal Sale Permit Form GOB-1" required by KRS 365.420(7) shall contain the following information:

- (1) Identification of the county clerk from whom the license is sought;
- (2) Instructions to the applicant on how the form is to be completed;
- (3) The name and address of the owner of the goods to be sold. If the applicant is a partnership, corporation, firm, or association, then all partners or officers should be listed, with positions held indicated;
- (4) The complete address of the applicant's principal office in Kentucky;
- (5) The date and place of incorporation or organization;
- (6) Whether controlling interest in the firm or business has been transferred within the twelve (12) months prior to the filing of the application, and if so, provide specific information as to the parties involved and the date of the transfer;
- (7) The name and style in which the sale is to be conducted;
- (8) The address of the premises at which the sale will be conducted;
- (9) The date of the sale will begin and its projected duration;
- (10) The name and address of the person who will be in charge and responsible for the conduct of the sale;
- (11) The nature of the occupancy of the sales premises, and the effective date of termination of the occupancy;
- (12) The condition or necessity which is the occasion for the sale;
- (13) The name of the sale, and why the name is truthfully descriptive of the sale;
- (14) If the application is for a license to conduct a removal sale, the location of the premises to which the business will be relocated;
- (15) If the application is for a license to conduct a fire sale, the time, location, and cause of the damage must be specified;
- (16) A statement as to whether the sale involves food or drugs damaged by fire or other casualty. If so, the approval of the Department for Human Resources shall be obtained before the application may be accepted;
- (17) A full, detailed, and complete inventory of the goods that are to be sold on pages of the form provided for that purpose;
- (18) The total value of the inventory at cost;
- (19) The total value of the inventory at retail;
- (20) A bond payable to the Commonwealth of Kentucky in the penal sum of \$1,000, with a notarized statement of intent to comply with all laws related to the license;
- (21) A notarized statement that the information provided is true and accurate;
- (22) An itemized inventory, consisting of sufficient information concerning each item or class of item to allow clear identification. This information shall include, but not be limited to the quantity, make, brand name, manufacturer's number, the name and address of the seller or supplier of the goods, the date of purchase, the date of delivery of the goods, the model, if applicable, or any other information necessary to clearly identify the goods. A separate listing, in like manner, shall be made of any goods purchased within the ninety (90) day period immediately prior to the date of this application;

(23) A certification of the inventory by the authorized individual filing the application that the inventory provided is true and accurate. The statement shall be signed by the applicant and be notarized;

(24) A statement of requirements to be observed in conducting a fire, removal, or other sale pursuant to the license. This shall include:

(a) The posting of a duplicate of the license on the front door of the premises at which the sale will be held, in such a manner that it will be clearly visible from the outside;

(b) A posting of a copy of the inventory in a conspicuous place in the sales room;

(c) That all advertising relating to the sale shall prominently state the final date of the sale and the sale license number; and

(d) If the licensee is engaged in business at other locations, advertising for such other locations shall not represent or imply participation in or cooperation with the sale at the premises specified in the license. Advertising for the licensed sale at the premises specified in the license shall not represent or imply any participation in or cooperation with such sale at any other locations;

(25) A license for the sale, which shall include the name of the title of the county clerk, the number of the license, the name of the business conducting the sale, the type and style of the sale, the location at which the sale shall be held, the expiration date of the license, the date of issuance of the license, and the signature of the county clerk.

Section 2. (1) The "Application for License to Conduct a Removal Sale Form GOB-1" is incorporated by reference.

(2) Copies of the "Application For License To Conduct A Removal Sale Form GOB-1" may be inspected, copied, or obtained at the Office of the Attorney General, Consumer Protection Division, 1024 Capital Drive, Frankfort, Kentucky 40602, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. (21 Ky.R. 702; Am. 1293; eff. 10-12-94; Crt eff. 2-21-2020.)