

422.180 Notice -- Duty of guardian ad litem and attorney.

- (1) The party desiring to take the deposition of any witness shall give ten (10) days' notice in writing to all parties known to him to be interested in, or setting up or attempting to set up claim to, the real property or any interest therein. The notice shall state the time and place the depositions will be commenced to be taken, and that the same will be continued from day to day, at the same place and between the hours of 8 a.m. and 6 p.m., until the same is completed and that depositions are to be taken in behalf of the title to a certain tract of land known as tract, lying on the (here give the local description), in County, in the State of Kentucky, and that the depositions are being taken for the purpose of perpetuation of the testimony expected to be given. The party desiring to take the deposition shall give further notice, as above recited, by having the notice published pursuant to KRS Chapter 424. Such party shall also have a like notice posted at the front door of the courthouse in the county where the real property lies at least fifteen (15) days before the taking of the depositions. Sixty (60) days' notice shall be given to nonresidents of the time of taking of such depositions unless they waive notice through their attorney or otherwise.
- (2) The guardian ad litem for an infant and the attorney for a nonresident shall, as soon as notified of his appointment, if possible, give written notice to the infant or nonresident whom he represents of the fact and nature and purpose of the proceeding, and if no person, other than himself, appears by special employment to represent those whom he was appointed to represent, he shall appear and, if necessary, cross-examine and do all necessary to protect the interest of his ward or nonresident claimant against any fraud, imposition or injury. Such guardian ad litem or attorney shall file with the clerk a written report showing what effort he made to give notice to his ward or nonresident party, and state what, if any, information he has received from them, and shall be allowed a reasonable sum for his services to be paid by the party seeking to perpetuate the evidence.

History: Amended 1966 Ky. Acts ch. 239, sec. 228. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1649a-1.