

425.116 Defendant's bond.

- (1) The defendant or any other person claiming interest in the property, may prevent the plaintiff from taking possession of property pursuant to a writ of possession or regain possession of property so taken by filing with the court in which the action was brought, a written bond executed by one (1) or more sufficient sureties in an amount equal to either the amount of the plaintiff's bond required by KRS 425.111 or if there has been no judicial determination, the value of the property stated in the plaintiff's application for a writ of possession. The bond shall state that, if the plaintiff recovers judgment on the action, the defendant shall pay all costs awarded to the plaintiff and all damages that the plaintiff may sustain by reason of the loss of possession of the property, not exceeding the amount of the bond. The damages recoverable by the plaintiff pursuant to this section shall include all damages proximately caused by the plaintiff's failure to gain or retain possession.
- (2) The defendant's bond may be filed at any time before or after levy of the writ of possession. A copy of the bond shall be mailed to the levying officer and to the plaintiff. A certification stating that such copies have been mailed shall be filed with the court at the time the bond is filed.
- (3) The defendant's bond shall state the address to which a copy of the notice of exception to sureties may be sent.
- (4) If an undertaking for redelivery is filed and defendant's sureties are not excepted to, the levying officer shall deliver the property to the defendant, or, if the plaintiff has previously been given possession of the property, the plaintiff shall deliver such property to the defendant. If a bond for redelivery is filed and defendant's sureties are excepted to, the provision of KRS 425.101 shall apply.

History: Created 1976 Ky. Acts ch. 91, sec. 23.