

**426.440 Property levied on but unsold -- Writ authorizing and commanding sale --  
Form of -- Proceedings.**

- (1) When the sheriff or other officer makes a return on an execution that the estate levied on, or any part thereof, remains in his hands unsold, a writ authorizing and commanding the sheriff to sell the property may issue.
- (2) The writ shall be in substance as follows: "The Commonwealth of Kentucky, to the sheriff of .... County, greeting: We command you that you expose to sale the estate of A B to the value of \$ ....., which, according to our command, you have taken into your hands, and which remains in your hands unsold, as you have certified to our .... court, to satisfy C D, the sum of \$ ....., whereof in our said court he had recovered execution against the said A B, by virtue of a judgment in the said court, and that you have, and so forth."
- (3) Like proceedings shall be had on the writ as might and should have been had on the first execution. An officer may, at any time after the return day while the original execution is in his hands, sell any property taken in virtue thereof, provided the levy was made before the return day.

**Effective:** October 1, 1942

**History:** Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1664.