

### **62.090 Proceeding for release and indemnity of sureties -- Where brought.**

If a surety in any official bond, or bond of a personal representative, guardian, conservator, curator, assignee or trustee, master commissioner, receiver, or in any bond or covenant which by law may be required to be executed in court, or before an officer at the commencement or during the progress of any civil judicial proceeding, wishes to be relieved from future liability and to obtain indemnity for liability already incurred, or either, he may file a motion in the court in which the original bond was given or in whose clerk's office the bond is required to be kept. If the bond was not given in any court or is not required to be kept in any office, the motion shall be filed in the Circuit Court of the county in which the principal resides, or if the principal has no residence in this state, then in the Circuit Court of the county of the residence of the surety. The motion may be filed in the court or the motion and notice, with return showing service, may be filed in the office of the clerk of the court.

**Effective:** July 15, 1982

**History:** Amended 1982 Ky. Acts ch. 141, sec. 47, effective July 1, 1982. -- Amended 1978 Ky. Acts ch. 92, sec. 5, effective June 17, 1978. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4659, 4664.

**Note:** 1980 Ky. Acts ch. 396, sec. 50 would have amended this section effective July 1, 1982. However, 1980 Ky. Acts ch. 396 was repealed by 1982 Ky. Acts ch. 141, sec. 146, also effective July 1, 1982.