

353.330 Parties -- Representation of minors, mentally disabled, and persons not in being.

All of the persons in being who have any present or contingent interest in the lands or estate or interest sought to be leased shall be made parties to the proceedings authorized in KRS 353.300 to 353.380, with any infant or infants being represented either by next friend or statutory guardian or guardian ad litem, or in the case of constructive service of summons by a warning order attorney appointed as in other cases. Any person adjudged mentally disabled shall be represented by his guardian or conservator or by guardian ad litem, or, in the case of constructive service of summons as in civil actions generally, by a warning order attorney appointed as in other cases. If the court specifically finds that the welfare or interest of any person or persons not in being requires special representation, the court may appoint a trustee ad litem to represent such unknown parties not in being or each separate class thereof, and such trustee ad litem shall file such pleadings or answer and take such steps as he deems proper, and such unknown persons will be fully bound by the proceedings hereunder. Otherwise, and in the absence of such finding by the court, it shall not be necessary to make parties any persons not in being, either as "unknown defendants" or otherwise, but the persons in being who are parties shall stand for and represent the full title and whole interest in said lands or estate or interest therein, and all parties not in being who might have some contingent or future interest therein, and all persons, whether in being or not in being, having any interest, present, future or contingent, in the property sought to be leased, will be fully bound by the proceedings hereunder. It shall be permissible, however, to make defendants any unknown persons who might have any interest in the land sought to be leased, under the style of "unknown defendants."

Effective: July 1, 1982

History: Amended 1982 Ky. Acts ch. 141, sec. 92, effective July 1, 1982. -- Created 1944 Ky. Acts ch. 76, sec. 4.

Note: 1980 Ky. Acts ch. 396, sec. 98 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 Acts ch. 396 was repealed by 1982 Ky.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.