

382.297 Requirements for amendment, renewal, modification, or extension of recorded mortgage -- Amendment of recorded mortgage by affidavit of amendment -- Effect of subsequent release of original mortgage -- Construction.

- (1) A county clerk shall admit to record any amendment, renewal, modification, or extension of a recorded mortgage that complies with subsection (2) of this section.
- (2) Any amendment, renewal, modification, or extension of a recorded mortgage admitted to record under subsection (1) of this section shall:
 - (a) Be in writing;
 - (b) Contain:
 1. The name and mailing address of each mortgagor;
 2. The name and mailing address of the mortgagee;
 3. The book and page number where the original mortgage is recorded;
 4. A description of the amendment, renewal, modification, or extension, which:
 - a. Shall be in conformity with KRS 382.330; and
 - b. For an extension, shall include the:
 - i. Time period of the extension; and
 - ii. Amount of indebtedness remaining due;
 5. A printed, typewritten, or stamped endorsement on the instrument to be recorded stating the name and address of the individual who prepared the instrument, which shall be signed by the individual;
 6. The address to which the recorded instrument is to be delivered as provided in KRS 382.240; and
 7. The signature of each mortgagor and the mortgagee, acknowledged before a notary public; and
 - (c) Be recorded in the office of the county clerk in which the original mortgage is located.
- (3)
 - (a) In addition to any amendment allowed under subsection (1) of this section, a county clerk shall admit to record an affidavit of amendment to a recorded mortgage that:
 1. Is prepared and executed by an attorney licensed in Kentucky; and
 2. Complies with this subsection.
 - (b) An affidavit of amendment may not change:
 1. Any term, dollar amount, or interest rate in the mortgage;
 2. The parties; or
 3. The collateral of a recorded mortgage;but may be used to correct a manifest clerical or typographical error such as spelling, punctuation, or numbering mistakes in typing or printing.
 - (c) The attorney preparing the affidavit shall certify in the affidavit that notice of filing the amendment has been given to each mortgagor by mailing a copy of

the amendment to the mortgagor or mortgagors at the address shown on the original mortgage.

- (4) Every amendment, renewal, modification, or extension of a recorded mortgage admitted to record under this section shall be recorded by the county clerk in the same manner as recordation of an original mortgage.
- (5) The receipt for record and recording of any instrument by a county clerk that is not in compliance with the provisions of this section shall not prevent the record of filing of the instrument from becoming notice as otherwise provided by law, and shall not impair the admissibility of the record as evidence.
- (6) A subsequent release of the original mortgage releases any amendments, renewals, modifications, or extensions admitted to record under this section.
- (7) Nothing in this section shall be construed to:
 - (a) Affect or change the priority established under law of any recorded mortgage, including but not limited to the priority established under KRS 382.340, 382.385, and 382.520;
 - (b) Create or establish:
 1. A lien or other security interest; or
 2. Priority in a lien or other security interest; or
 - (c) Require the recording of any amendment, renewal, modification, or extension of a recorded mortgage in order:
 1. To secure payment of any sums due and payable under the mortgage;
 2. To secure priority of the mortgage, as amended, renewed, modified, or extended; or
 3. For the amendment, renewal, modification, or extension to be enforceable between the parties.

Effective: July 15, 2024

History: Amended 2024 Ky. Acts ch. 130, sec. 1, effective July 15, 2024. -- Amended 2016 Ky. Acts ch. 11, sec. 4, effective July 15, 2016. -- Amended 2015 Ky. Acts ch. 65, sec. 2, effective June 24, 2015. -- Created 2006 Ky. Acts ch. 183, sec. 19, effective July 12, 2006.