

1 AN ACT relating to interests in property.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 389A.010 is amended to read as follows:

4 (1) Notwithstanding any other statutory limitation of the jurisdiction of the District
5 Court:

6 (a) Any trustee, guardian, conservator, or personal representative (hereinafter
7 "fiduciary"), not otherwise possessing a power of sale, may move the District
8 Court of the county in which the fiduciary has qualified for an order granting
9 the fiduciary the power to sell or mortgage any real estate or any interest ***in***
10 ***the real estate***~~[therein]~~ possessed by his ***or her*** ward, decedent, or trust; and

11 (b) The District Court may enter an order granting the fiduciary the power to sell
12 or mortgage any real estate or any interest ***in the real estate***~~[therein]~~
13 possessed by the ward, decedent, or trust.

14 (2) The motion shall include an adequate description of the property, a summary of the
15 grounds for the motion, and a request that the bond of the fiduciary be increased in
16 an adequate amount in accordance with KRS 395.130.

17 (3) ***(a)*** Unless waived in writing, written notice of the hearing with a copy of the
18 motion shall be served in a manner authorized by the Rules of Civil Procedure
19 for the initiation of a civil action upon all persons who have a vested or
20 contingent interest in the property interest sought to be sold.

21 ***(b)*** Where the property interest sought to be sold belongs to a person under legal
22 disability, service of notice and defense shall be governed by Civil Rules
23 4.04(3) and 17.03.

24 ***(c)***~~[*(a)*]~~ In the case where the subject of the action is the property interest of a
25 person under legal disability, unless waived in writing, written notice ***shall be***
26 ***given*** by certified mail, return receipt requested, ~~[shall be given]~~ to all known
27 adult next of kin ***and shall include***~~[of]~~:

1 1. The nature and pendency of the action; and

2 2. **The time, date, and location of the hearing.**

3 **The notice required under this paragraph shall be given no later**~~[Not less]~~
4 than thirty (30) **days prior to the date**~~[days' notice of the time, date, and~~
5 ~~location]~~ of the hearing on the motion.

6 **(d)** At or before the hearing, the fiduciary or his **or her** attorney shall file an
7 affidavit on personal knowledge showing compliance with **paragraphs (a) to**
8 **(c) of this subsection with the following attachments:**

9 **1.** ~~[this paragraph and attaching]~~A copy of the notice given; and

10 **2.** The original of all receipts returned.

11 **(e)**~~(b)~~ All ~~such~~ persons **under this subsection** shall have standing to present
12 evidence and to be heard at the hearing.

13 (4) **Any**~~An aggrieved~~ party **aggrieved by any order affecting the right of the**
14 **fiduciary to sell or mortgage any property or property interest under this section**
15 may, no later than thirty (30) days from the date of the order, institute an adversary
16 proceeding in Circuit Court pursuant to KRS 24A.120(2)~~[in respect to any order~~
17 ~~affecting the right of the fiduciary to sell or mortgage]~~. Pending the entry of a final
18 order and expiration of the time for an appeal therefrom, neither the fiduciary nor
19 the owner of any vested interest shall make any conveyance or mortgage of the real
20 estate and any attempt to do so shall be **voidable by the court until:**

21 **(a) The time for an appeal of any final order entered following the hearing**
22 **under subsection (3) of this section has expired pursuant to the Rules of**
23 **Civil Procedure; or**

24 **(b) Any adversary proceeding instituted under this subsection has been finally**
25 **adjudicated and the time for an appeal from the final adjudication order**
26 **has expired pursuant to the Rules of Civil Procedure**~~[null and void]~~.

27 **The provisions of this subsection shall be retroactive and shall apply to**

1 **conveyances made prior to the effective date of this Act.**

2 (5) No proceedings under this section shall be conducted by or before a commissioner
3 of the District Court.

4 ➔Section 2. KRS 65.032 is amended to read as follows:

5 (1) As used in this section:

6 (a) "Recorded instrument" means any document relating to real property,
7 personal property, and any property for which a Kentucky certificate of title
8 has been issued, including but not limited to deeds and mortgages; and

9 (b) "Portal" means a website~~[Web site]~~ or online database that:

- 10 1. Is readily accessible by the public to provide remote online access to
11 recorded instruments;
- 12 2. Has a network security device that monitors incoming and outgoing
13 network traffic and determines whether to allow or block specific traffic
14 based on a defined set of security rules; and
- 15 3. Has a system which provides for backup copies of recorded instruments
16 to be securely stored.

17 (2) By January 1, 2024~~[June 30, 2023]~~, all county clerks shall provide and maintain
18 the portal that allows a person to electronically file any recorded instrument.

19 (3) (a) By June 30, 2024, each county clerk shall provide and maintain a portal that
20 contains the following recorded instruments:

- 21 1. Filed on or after June 30, 1994:
- 22 a. Deeds;
- 23 b. Mortgages;
- 24 c. Fixture filings under the Uniform Commercial Code;
- 25 d. Plats of subdivided property;
- 26 e. All covenants, conditions, and restrictions that relate to real
27 property;

- 1 f. Easements;
- 2 g. Leases or memorandum of leases;
- 3 h. Powers of attorney;
- 4 i. Land contracts;
- 5 j. Wills; and
- 6 k. Affidavits that affect or clarify the title to property;
- 7 2. Filed on or after June 30, 2004, child support liens;
- 8 3. Filed on or after June 30, 2009:
 - 9 a. Judgment liens;
 - 10 b. Recoupment and unemployment liens; and
 - 11 c. Lis pendens notices;
 - 12 4. Filed on or after June 30, 2014:
 - 13 a. Federal and state tax liens; and
 - 14 b. Civil penalty liens; and
 - 15 5. Filed on or after June 30, 2019:
 - 16 a. Homeowner's association or condominium liens; and
 - 17 b. Bail bonds.
 - 18 (b) By June 30, 2026, each county clerk shall provide and maintain a portal that
 - 19 contains the following recorded instruments filed on or after June 30, 1966,
 - 20 but before June 30, 1994:
 - 21 1. Deeds;
 - 22 2. Mortgages;
 - 23 3. Fixture filings under the Uniform Commercial Code;
 - 24 4. Plats of subdivided property;
 - 25 5. All covenants, conditions, and restrictions that relate to real property;
 - 26 6. Easements;
 - 27 7. Leases or memorandum of leases;

- 1 8. Powers of attorney;
- 2 9. Land contracts;
- 3 10. Wills; and
- 4 11. Affidavits that affect or clarify the title to property.
- 5 (4) (a) Any fee charged by the county clerk for access to electronic copies of
- 6 recorded instruments shall not exceed the actual cost of providing and
- 7 maintaining the portal.
- 8 (b) If a county clerk contracts with an outside vendor to provide and maintain a
- 9 portal required under this section, actual costs may include:
- 10 1. Development and maintenance of a portal that provides access to
- 11 recorded instruments;
- 12 2. Personnel costs for companies that employ staff to support county
- 13 clerks;
- 14 3. Maintenance of cybersecurity credentials; and
- 15 4. Insurance premiums.
- 16 (5) A county clerk may redact Social Security numbers from electronic copies of
- 17 recorded instruments and other personal information from recorded instruments
- 18 upon request from a law enforcement agency or judicial officer.