

AN ACT relating to sales of property.

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

➔Section 1. KRS 382.110 is amended to read as follows:

- (1) All deeds, mortgages and other instruments required by law to be recorded to be effectual against purchasers without notice, or creditors, shall be recorded in the county clerk's office of the county in which the property conveyed, or the greater part thereof, is located.
- (2) No county clerk or deputy county clerk shall admit to record any deed of conveyance of any interest in real property equal to or greater than a life estate, unless the deed plainly specifies and refers to the next immediate source from which the grantor derived title to the property or the interest conveyed therein.
- (3) An authentic photocopy of any original record may be certified, as a true, complete, unaltered copy of the original record on file by the official public custodian of the record. A certified copy of a document certified by the official public custodian of that document may be submitted for filing in any other filing officer's jurisdiction as though it were the original record. However, no county clerk or deputy county clerk shall accept for filing any original document or certified copy of any document unless the original document and its certified copy conforms to all statutory requirements for filing the document under KRS Chapter 382. The provisions of this subsection shall apply only to a record generated and filed in Kentucky, and only if the certified copy thereof is to be utilized in Kentucky. If the record is a foreign record or a Kentucky record to be filed or utilized in a foreign jurisdiction, then this subsection shall not apply and applicable federal, Kentucky, or foreign law shall apply.
- (4) If the source of title is a deed or other recorded writing, the deed offered for record shall refer to the former deed or writing, and give the office, book and page where recorded, and the date thereof. If the property or interest therein is obtained by

inheritance or in any other way than by recorded instrument of writing, the deed offered for record shall state clearly and accurately how and from whom the title thereto was obtained by the grantor.

- (5) If the title to the property or interest conveyed is obtained from two (2) or more sources, the deed offered for record shall plainly specify and refer to each of the sources in the manner provided in subsections (2) and (4), and shall show which part of the property, or interest therein, was obtained from each of the sources.
- (6) No grantor shall lodge for record, and no county clerk or deputy shall receive and permit to be lodged for record, any deed that does not comply with the provisions of this section.
- (7) No clerk or deputy clerk shall be liable to the fine imposed by subsection (1) of KRS 382.990 because of any erroneous or false references in any such deed, nor because of the omission of a reference required by law where it does not appear on the face of such deed that the title to the property or interest conveyed was obtained from more than one (1) source.
- (8) This section does not apply to deeds made by any court commissioner, sheriff or by any officer of court in pursuance of his duty as such officer, nor to any deed or instrument made and acknowledged before March 20, 1928. No deed shall be invalid because it is lodged contrary to the provisions of this section.
- (9) A mortgage holder shall file a deed in lieu of foreclosure in the county clerk's office of the county in which the property conveyed, or the greater part thereof, is located, no later than forty-five (45) days after the date the deed in lieu of foreclosure is executed.

**(10) A deed filed pursuant to KRS 426.577 shall be filed by the grantee within five (5) business days of receipt of such deed from the court commissioner.**

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 186A IS CREATED TO READ AS FOLLOWS:

Notwithstanding any other provision of this chapter, a county clerk shall, following inspection of the vehicle by the sheriff to determine that the vehicle has not been stolen, has no liens against it, and is not owned by a person other than the owner of the real estate, issue a new title to a vehicle, clear of all prior liens, to the master commissioner after he or she provides to the county clerk an affidavit attesting that:

- (1) The vehicle was abandoned on the site of real property sold by the master commissioner pursuant to KRS Chapter 426;
- (2) Proper notice of the sale was given pursuant to KRS Chapter 426;
- (3) Neither the owner nor a lienholder has objected in writing to the person's right to obtain title to the vehicle;
- (4) The title will be transferred to the purchaser of the real property on which the vehicle was abandoned;
- (5) More than fourteen (14) days before presenting the affidavit to the county clerk, the master commissioner attempted to notify the owner of the vehicle and all known lienholders, including those noted on the title, by certified mail, return receipt requested, of his or her name, address, and telephone number as well as his or her intention to obtain a new title, clear of all prior liens, unless the owner or a lienholder objected in writing; and
- (6) Neither the owner nor a lienholder has objected in writing to the master commissioner's right to obtain title to the vehicle.