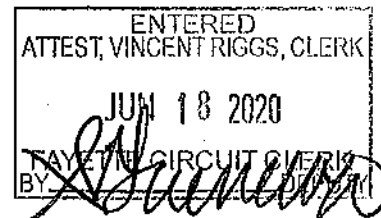


COMMONWEALTH OF KENTUCKY
FAYETTE COUNTY CIRCUIT COURT

GENERAL TERM



IN RE: RULES OF PRACTICE OF THE FAYETTE CIRCUIT CIVIL COURT

ORDER

IT IS HEREBY ORDERED Local Rule 26 B- 4 and 6 are amended as follows:

4. Terms and Conditions of Sale

Unless otherwise ordered all sales shall be conducted by the Commissioner or Deputy Commissioner at 12:00 noon (local time) in the Fayette County Courthouse at a place posted the morning of the sale, or electronically, at the discretion of the Master Commissioner, via an online auction hosted by a licensed provider, at a time and auction website to be advertised by or at the direction of the Master Commissioner, upon the following terms and conditions:

- a. Before conducting a sale the Master Commissioner shall advertise in a newspaper meeting the requirements of KRS 424 .120, the time, terms and place of sale, together with a description of the property to be sold. All sales shall be advertised in accordance with KRS 424.130 as follows: The advertisement shall be published at least once not less than seven days nor more than 21 days before the date of the sale, but may be published two or more times provided that one publication occurs not less than seven days nor more than 21 days before the date of the sale.
- b. If required by order or statute, the Master Commissioner before making a sale of real property shall have the property appraised by two intelligent, disinterested housekeepers of Fayette County who are not related to any parties to the action both of whom are actively engaged in or have had at least one year of experience in the field of real estate. Before making appraisals, the appraisers shall be sworn by the Master Commissioner. They shall return their appraisals in writing to the Master Commissioner who shall file same as a part of the record.
- c. The property shall be sold to the highest bidder provided:
 - 1) At the time of sale the successful bidder shall either pay cash or make a deposit of 10% of the purchase price with the balance on credit for thirty (30) days. If the purchase price is not paid in full, the successful bidder shall be required to give bond with good surety for the unpaid purchase price. The bond shall bear interest at the rate the judgment bears, from the date of sale until paid, and shall have the force and effect of a judgment.
 - 2) The purchaser shall be required to assume and pay all taxes or assessments upon the property for the current tax year and all subsequent years. All

taxes or assessments upon the property for prior years shall be paid from the sale proceeds if properly claimed, in writing and filed of record, by the purchaser prior to confirmation.

3) The property shall otherwise be sold free and clear of any right, title or interest of all parties to the action and all liens and encumbrances thereon, excepting easements and restrictions of record in the Fayette County Clerk's Office and such right of redemption as may exist in favor of the United States of America or the defendant(s).

4) The terms and conditions hereinabove set out may be adopted by reference to this rule in the order or judgment directing the sale, or shall be restated therein.

b. A party, who is the successful purchaser of the property, may take credit against any judgment in that party's favor against the defendant property owner for the required deposit and purchase price to the extent that the sale price is sufficient to pay such judgment considering the priorities and amounts previously adjudicated in the action.

6. Fees of the Commissioner

The Commissioner shall be entitled to those fees set forth in Part IV, Section 8(2) of the Administrative Procedures of the Court of Justice. Notwithstanding the foregoing, if the judicial sale is conducted electronically via an online auction, a fee of 6% of the sale price for each property shall be assessed in addition to the fee calculated in Part IV, Section 8(2) of the Administrative Procedures of the Court of Justice.

The 6% additional fee for electronic judicial sales shall be paid by the Master Commissioner to the licensed provider of the online auction for each judicial sale as total compensation for all services rendered by the provider of online auction services in connection therewith, including internet advertising, print advertising in compliance with KRS 424.130 and Part IV, Section 5(3) of the Administrative Procedures of the Court of Justice, signage and other costs associated with providing the electronic judicial sale forum.

Entered this the 18 day of June, 2020.


CHIEF REGIONAL CIRCUIT JUDGE

Copies to:
Fayette Circuit Court Judges
Vincent Riggs, Fayette Circuit Court Clerk