Congratulations to Thomas L. Rouse, NKBA member, for his outstanding term as Kentucky Bar Association President.
RESEARCHING KENTUCKY FORECLOSURE LAW
Carol Furnish

Foreclosure is a legal proceeding to end a borrower's title to and possession of a property when the borrower defaults on mortgage loan payments. In Kentucky, foreclosures are handled by the courts. This guide outlines the foreclosure procedures used in Kentucky and highlights the best resources for further research.

Kentucky - Background Information

Real Estate Foreclosure Under Kentucky Law by Thomas Keuler (last visited 6/10/2014), http://www.dldlaw.com/Articles/PDF/TJK_Real_Estate_Foreclosure.pdf. This article outlines the general steps involved in a judicial foreclosure. The article discusses the complaint, public notice, judicial proceedings, the judgment, and the sale. The article can be used as a general guide to those who are new to foreclosures or those who do not regularly practice in the area.


Remedies for Real Estate Mortgages in Default, by M. Deane Stewart. Chap. 17 Kentucky Real Estate Law and Practice (4th ed. 2013). The chapter discusses the remedies available to the mortgage lender and identifies the mix of statutes and procedural rules involved in the foreclosure process.

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Kentucky Homeownership Protection Center - http://protectmyhome.org/Pages/default.aspx. In 2008, the Kentucky General Assembly authorized the Kentucky Housing Corporation to create the Kentucky Homeownership Protection Center (KHPC) as the central resource for counseling and financial information. The KHPC provides leads to credible financial counseling service providers, state financial assistance sources, the state unemployment bridge program, and Legal Aid services offered by the state. The Resources tab lists the consumer services offered by both state and federal agencies.

Foreclosure laws are found primarily under KRS Chapter 426, Enforcement of Judgments. There are exceptions as related laws are found in other chapters of the KRS. For example, state protections for service members is located at KRS § 382.520, superiority of lien - additional loans under mortgage on real estate at KRS § 382.520, and special protections for foreclosures involving high-interest loans is located at KRS § 360.100.

Kentucky Cases
West’s Kentucky Digest 2d. Volume 16 covers Mortgages.

Kentucky Form Books
Caldwell’s Kentucky Form Book, Kevin P. Buckingham, General Editor. Volumes 1 and 4 cover Kentucky Civil Procedure and Real Property.

General Treatises & Handbooks - Foreclosures


The Law of Distressed Real Estate: Foreclosure, Workouts, Procedures by Baxter Dunaway. 6 vol. looseleaf. Thomson/West. Discusses the general principles of workouts and foreclosures and provides the foreclosure procedures for individual states. Not available at local libraries but available via Westlaw subscribers.


Conclusion
You can easily locate the Kentucky materials in the Chase collection. The guide lists additional foreclosure resources which are available locally or found on the web.

1 Professor Carol Furnish, Northern Kentucky University, Chase Law Library.