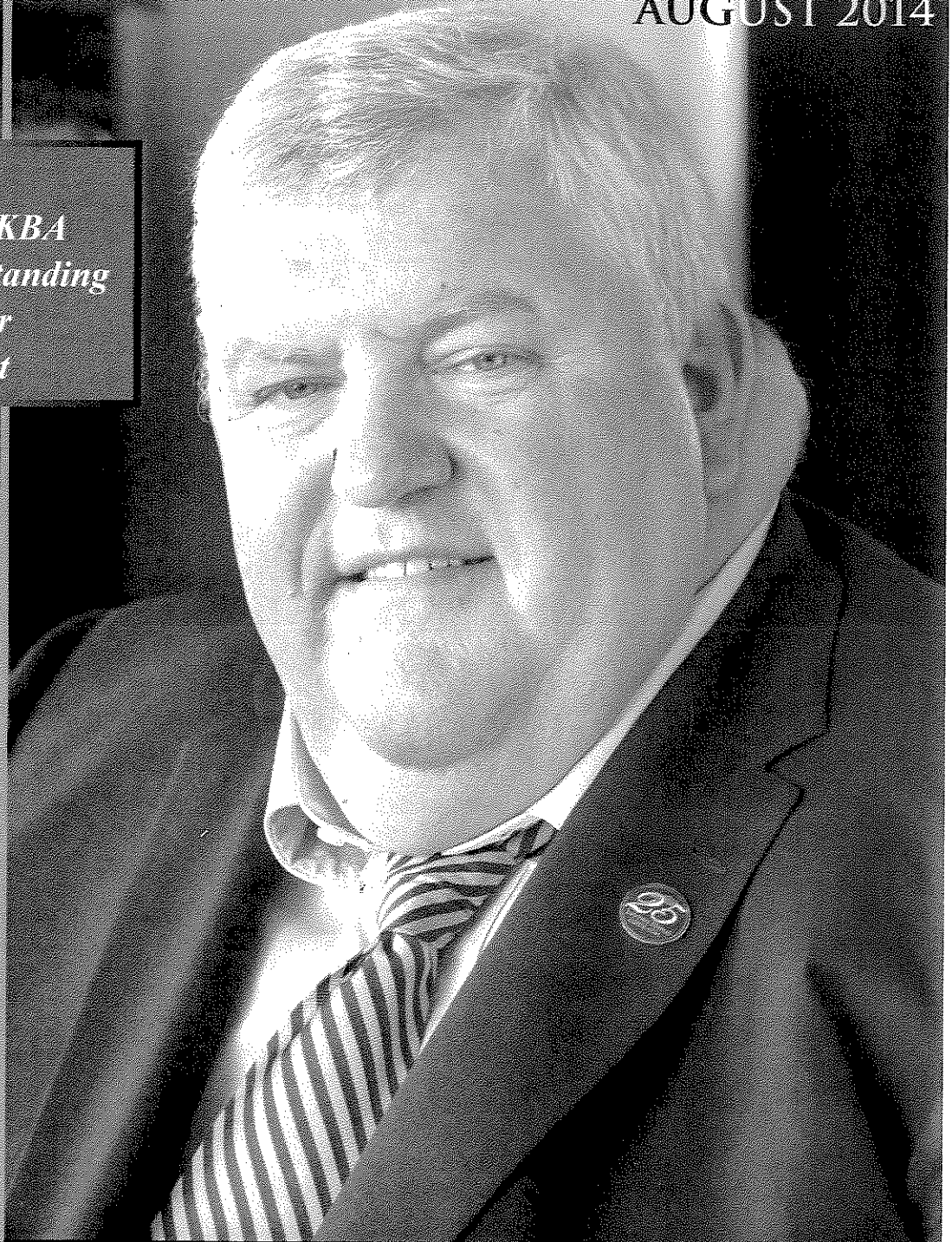


# LEX LOCH

AUGUST 2014

*Congratulations to  
Thomas L. Rouse, NKBA  
member, for his outstanding  
term as Kentucky Bar  
Association President*



Northern  
Kentucky  
Bar  
Association

# RESEARCHING KENTUCKY FORECLOSURE LAW

Carol Furnish<sup>1</sup>

**W**WW  
.NKYBAR.COM

offers benefits solely for NKBA members and your practice

## REGISTER ONLINE FOR SEMINARS AND EVENTS.

Benefits you can now receive:

Calendar of Events &

Upcoming CLEs

Areas of Practice Sections

Online Lawyer Directory

Lawyer Locator

Legal Resources

Classified Ads/Job Listings/

Resumes

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.dklaw.com/Articles/PDF/TJK\\_Real\\_Estate\\_Foreclosure.pdf](http://www.dklaw.com/Articles/PDF/TJK_Real_Estate_Foreclosure.pdf). This article outlines the general steps involved in a judicial foreclosure. The article describes 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.

Housing Foreclosures in Kentucky by

the Kentucky Legislative Research Commission (2009), available at <http://www.lrc.ky.gov/lrcpubs/rr365.pdf>. The Kentucky General Assembly authorized a study of home foreclosures in Kentucky. The report describes the foreclosure process in Kentucky and compares the procedures with other states.

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.



**CityDash**  
*Your Delivery Solution*

**10% Discount for Northern KY Bar Association Members\***

City Dash maintains an extensive fleet of professional, uniformed, employee drivers who make it their goal each day to provide the best On-Time delivery service in the region.

- Local delivery options range from 1 to 5 hour
- Same-day out-of-town service
- Legal filings
- Web order & tracking available at [www.citydash.com](http://www.citydash.com)

For more information, or to set up a new account, please contact Mary Mendel at 513-562-2000 x 213, 513-519-8022 or [mendel.mary@citydash.com](mailto:mendel.mary@citydash.com)

*\*Discount applies only to courier runs within our published zip code list. Not applicable with existing discount programs. Zip code list available upon request.*

*Chase Law Library - KFK1312.A73.K4 2013.*

**Kentucky Homeownership Protection Center** - <http://protectmykyhome.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.

#### **Kentucky Laws - Ky. Rev. Stat. Ann. (KRS)**

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. Buckham, General Editor. Volumes 1 and 4 cover Kentucky Civil Procedure and Real Property.  
*Chase Law Library - KFK1268 .C3 2006.*

#### **General Treatises & Handbooks - Foreclosures**

Foreclosure Defense: A Practical Litigation Guide by Rebecca Taylor. American Bar Association (2011).  
*Chase Law Library - KF697.F6.T39 2011.*

Foreclosure Survival Guide: Keep Your House or Walk Away with Money in Your

Pocket by Stephen Elias. Nolo Press (4th ed. 2013). This Nolo Press guide is designed for consumers and offers general information.

*Chase Law Library - KF697.F6.E43 2009.*

Foreclosures: Defenses, Workouts, and Mortgage Servicing by John Rao.

National Consumer Law Center (4th ed. 2013).

Provides information on home foreclosures including free-standing homes, condos, and mobile homes. References state and federal laws and provides sample forms and pleading materials.

*Hamilton County Law Library - KF1040.Z9.S542 2012.*

Foreclosure, Chap. 7 Real Estate Finance Law by Grant S. Nelson and Dale A. Whitman.

Thomson/West (5th ed. 2007).

The practitioner treatise provides an overview of real estate finance, foreclosure and bankruptcy proceedings.

*Chase Law Library - KF 695.Z9.B78 2009.*

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.*

Real Estate Transactions: Examples and Explanations by Barlow Burke.

Aspen Pub. (2011). Written for law students with step-by-step descriptions of real estate transactions followed by examples, questions, and complete answers. The text covers pre-foreclosure remedies, foreclosures, and real estate in trouble.

*Chase Law Library - KF665.Z9.B865 2011.*

#### **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.

<sup>1</sup> Professor Carol Furnish, Northern Kentucky University, Chase Law Library.

## KBA ETHICS HOTLINE CONTACTS

**Suzanne Cassidy**  
O'Hara, Ruberg, Taylor, Sloan  
& Sergeant  
25 Town Center Boulevard  
Suite 201  
P.O. Box 17411  
Covington, KY 41017-0411  
P: (859) 331-2000  
F: (859) 578-3365  
[scassidy@ortlaw.com](mailto:scassidy@ortlaw.com)

**Joseph E. Conley, Jr.**  
Raines, Buechel, Conley &  
Dusing, PLLC  
6900 Houston Road, Suite 43  
Florence, KY 41042  
P: (859) 578-6604  
F: (859) 578-6609  
[jconley@rbcdlaw.com](mailto:jconley@rbcdlaw.com)

**Debra S. Pleatman**  
Ziegler & Schneider, P.S.C.  
541 Buttermilk Pike  
Suite 500  
P.O. Box 175710  
Covington, KY 41017  
P: (859) 426-1300  
F: (859) 426-0222  
[dpleatman@zslaw.com](mailto:dpleatman@zslaw.com)

