

1 AN ACT relating to power of attorney to convey or release property.

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

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

- 4 (1) All deeds, mortgages and other instruments required by law to be recorded to be
5 effectual against purchasers without notice, or creditors, shall be recorded in the
6 county clerk's office of the county in which the property conveyed, or the greater
7 part ~~of it~~^{thereof}, is located.
- 8 (2) No county clerk or deputy county clerk shall admit to record any deed of
9 conveyance of any interest in real property equal to or greater than a life estate,
10 unless the deed plainly specifies and refers to the immediate source from which the
11 grantor derived title to the property or the interest conveyed ~~therein~~.
- 12 (3) **(a)** An authentic photocopy of any original record, **including a power of attorney**
13 **or revocation of a power of attorney recorded pursuant to KRS 382.370,**
14 may be certified, as a true, complete, unaltered copy of the original record on
15 file by the official public custodian of the record. A certified copy of a
16 document certified by the official public custodian of that document may be
17 submitted for filing in any other filing officer's jurisdiction as though it were
18 the original record. However, no county clerk or deputy county clerk shall
19 accept for filing any original document or certified copy of any document
20 unless the original document and its certified copy conforms to all statutory
21 requirements for filing the document under KRS Chapter 382.
- 22 **(b)** The provisions of this subsection shall apply only to a record generated and
23 filed in Kentucky, and only if the certified copy ~~thereof~~ is to be utilized in
24 Kentucky. If the record is a foreign record or a Kentucky record to be filed or
25 utilized in a foreign jurisdiction, then this subsection shall not apply and
26 applicable federal, Kentucky, or foreign law shall apply.
- 27 (4) If the source of title is a deed or other recorded writing, the deed offered for record

1 shall refer to the former deed or writing, and give the office, book and page where
2 recorded, and the date when it was recorded~~[thereof]~~. If the property or interest in
3 the property~~[therein]~~ is obtained by inheritance or in any other way than by
4 recorded instrument of writing, the deed offered for record shall state clearly and
5 accurately how and from whom the title to the property or interest~~[thereto]~~ was
6 obtained by the grantor.

7 (5) If the title to the property or interest conveyed is obtained from two (2) or more
8 sources, the deed offered for record shall plainly specify and refer to each of the
9 sources in the manner provided in subsections (2) and (4), and shall show which
10 part of the property, or interest therein, was obtained from each of the sources.

11 (6) No grantor shall lodge for record, and no county clerk or deputy shall receive and
12 permit to be lodged for record, any deed that does not comply with the provisions of
13 this section.

14 (7) No clerk or deputy clerk shall be liable to the fine imposed by subsection (1) of
15 KRS 382.990 because of any erroneous or false references in any such deed, nor
16 because of the omission of a reference required by law where it does not appear on
17 the face of such deed that the title to the property or interest conveyed was obtained
18 from more than one (1) source.

19 (8) This section does not apply to deeds made by any court commissioner, sheriff or by
20 any officer of court in pursuance of his duty as such officer, nor to any deed or
21 instrument made and acknowledged before March 20, 1928. No deed shall be
22 invalid because it is lodged contrary to the provisions of this section.

23 (9) A mortgage holder shall file a deed in lieu of foreclosure in the county clerk's office
24 of the county in which the property conveyed, or the greater part of it~~[thereof]~~, is
25 located, no later than forty-five (45) days after the date the deed in lieu of
26 foreclosure is executed.

27 (10) A deed filed pursuant to KRS 426.577 shall be filed by the grantee within five (5)

1 business days of receipt of the deed from the commissioner appointed by a court to
2 convey the property.

3 ➔Section 2. KRS 382.370 is amended to read as follows:

4 **(1)** Powers of attorney to convey or release real or personal property, or any interest **in**
5 **the property**~~[therein]~~, may be acknowledged, proved, and recorded in the proper
6 office, in the manner prescribed for recording conveyances.

7 **(2)** If the conveyance made under a power **of attorney**~~[,]~~ is required by law to be
8 recorded or lodged for record~~[,]~~ to make **it**~~[the same]~~ valid against creditors and
9 purchasers, then the power **of attorney** must be lodged or recorded in **the same**~~[like]~~
10 manner~~[, and no such power so recorded shall be deemed to be revoked by any act~~
11 ~~of the party by whom it was executed, except from the time when there has been~~
12 ~~lodged for record in the office in which the power is recorded a written revocation,~~
13 ~~executed and proved or acknowledged in the manner prescribed for conveyances, or~~
14 ~~a memorandum of revocation made on the margin of the record thereof, which~~
15 ~~memorandum is signed by the party executing the same, and attested by the clerk].~~

16 **All powers of attorney recorded under this subsection shall only list two (2)**
17 **parties, the principal and the attorney-in-fact. If powers of attorney are executed**
18 **with multiple attorneys-in-fact, a separate power of attorney must be lodged or**
19 **recorded for each attorney-in-fact. Notwithstanding this subsection, a power of**
20 **attorney may list contingent attorneys-in-fact without lodging additional powers**
21 **of attorney.**

22 **(3) Once a power of attorney is recorded under subsection (2) of this section, it may**
23 **be revoked by a written revocation by the principal, which has been recorded or**
24 **lodged for record in the office in which the power of attorney was originally filed.**

25 **(4) Any provision of a power of attorney filed under this section which grants**
26 **authority to an attorney-in-fact to execute additional powers of attorney shall be**
27 **void.**