

Supreme Court of Kentucky

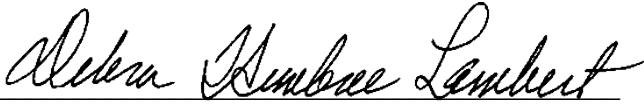
ORDER

**IN RE: ORDER APPROVING THE LOCAL RULES OF PRACTICE AND
PROCEDURE FOR THE 12TH JUDICIAL CIRCUIT, HENRY,
OLDHAM, & TRIMBLE COUNTIES**

Upon recommendation of the Judges of the 12th Judicial Circuit, Henry, Oldham, and Trimble counties being sufficiently advised,

The Local Rules of Practice and Procedure for the 12th Judicial Circuit, Henry, Oldham, and Trimble counties, are hereby approved. This order shall be effective immediately and shall remain in effect until further order of the Chief Justice.

Entered this 11th day of June 2025.


CHIEF JUSTICE

**12th JUDICIAL CIRCUIT
HENRY, OLDHAM, AND TRIMBLE COUNTIES
DIVISION I – GENERAL JURISDICTION
LOCAL RULES**

1. INTRODUCTION AND EFFECTIVE DATE:

- 1.1 These Local Rules shall govern civil and criminal proceedings in Division I of the 12th Judicial Circuit, unless they conflict with any law of the United States or the Commonwealth of Kentucky, at any time legally adopted, in which event any such statute, law, rule, or order shall always prevail.
- 1.2 These rules shall be in effect on and after July 1, 2025 pending approval by the Chief Justice of the Supreme Court of Kentucky. On the same date, all local rules presently in effect for the general jurisdiction divisions of the 12th Judicial Circuit are hereby repealed.
- 1.3 These rules may be cited "HOTC12LR."

2. DIVISIONS:

- 2.1 The 12th Judicial Circuit, consisting of Henry Circuit Court, Oldham Circuit Court, and Trimble Circuit Court, shall convene and transact business in two (2) divisions. The general jurisdiction division is 12th Circuit, Division I. The procedures in this division shall be governed by these Rules. Divisions II of the 12th Judicial Circuit is designated as Family Court division pursuant to Section 112(6) of the Kentucky Constitution. Procedures in the Family Court division are governed by separate rules of practice and procedure promulgated by the Judge of the Family Court.
- 2.2 The Hon. Jerry D. Crosby II and his successors in office shall preside over Division I of the Circuit Court.

3. JURY SELECTION AND MANAGEMENT:

- 3.1 Procedures for the selection of persons to serve on juries shall be governed by the applicable provisions of the Kentucky Revised Statutes and the Administrative Procedures of the Kentucky Court of Justice.
- 3.2 Henry Circuit Court Petit Jury: A new petit jury will be empaneled every 6 months. Once empaneled, a member of the petit jury shall continue to serve in that capacity until a new petit jury is empaneled or until the completion of the last case on which that juror is selected to serve, whichever occurs last. The District Court Judge of

Division I shall serve as the designee of the Chief Circuit Court Judge and shall preside over the petit jury orientation sessions of the Henry Circuit Court.

- 3.3 Oldham Circuit Court Petit Jury: A new petit jury will be empaneled every three (3) months. Once empaneled, a member of the petit jury shall continue to serve in that capacity until a new petit jury is empaneled or until the completion of the last case on which that juror is selected to serve, whichever occurs last. The District Court Judge of Division II shall serve as the designee of the Chief Circuit Court Judge and shall preside over the petit jury orientation sessions of the Oldham Circuit Court.
- 3.4 Trimble Circuit Court Petit Jury: A new petit jury will be empaneled every (12) months. Once empaneled, a member of the petit jury shall continue to serve in that capacity until a new petit jury is empaneled or until the completion of the last case on which that juror is selected to serve, whichever occurs last.
- 3.5 Henry Circuit Court Grand Jury: There shall be empaneled one (1) grand jury each year. The Henry County Grand Jury shall meet each fourth (4th) Friday of the Month at 8:30 a.m.
- 3.6 Oldham Circuit Court Grand Jury: There shall be empaneled two (2) grand juries each year. The first grand jury shall be empaneled every six months during the scheduled petit jury orientation. The Oldham County Grand Jury shall meet each second (2nd) Friday of the Month at 8:30 a.m.
- 3.7 Trimble Circuit Court Grand Jury: There shall be empaneled one (1) grand jury each year. The Trimble County Grand Jury shall meet each first (1st) Friday of the Month at 8:30 a.m.
- 3.8 Grand Jury Session Dates and Return of Indictments: The Grand Jury serving in each county shall meet at least monthly. These monthly sessions are subject to change by specific notice from the Commonwealth Attorney. Unless otherwise specifically instructed, defendants do not need to be present for the Grand Jury Sessions. Indictments shall be returned in open court to the Circuit Court Judge, Division I, General Jurisdiction, immediately following the return of indictments. The Judge may utilize Zoom, Microsoft Teams, or other electronic means to accept the return of indictments in open court, if schedule conflicts prevent the Judge's physical presence.

4. **APPEARANCES BY COUNSEL:**

- 4.1 Entry of Appearance: In all cases, upon being retained, counsel shall file a written entry of appearance, unless counsel's entry of appearance is apparent from pleadings filed. On the pleadings and in the entry of appearance, counsel shall set

forth counsel's office, address, mailing address, telephone number, fax number, and e-mail address.

- 4.2 Withdrawal: Once having entered appearance, counsel shall remain of record, unless relieved of responsibilities by the Court upon written motion and notice (with copy of said motion served upon the client), until expiration of the time for filing a notice of appeal after the entry of a final judgment or order. For good cause shown, the Court may permit oral motions to withdraw so long as the interests of the litigant are not adversely affected.
- 4.3 Scope of Appearance: Unless counsel specifies otherwise on the record, an entry of appearance is a general appearance for all purposes. An entry of appearance for a limited purpose shall specify the limited nature of counsel's representation of the client.

5. **CRIMINAL PROCEEDINGS:**

- 5.1 The Kentucky Rules of Criminal Procedure govern procedure and practice in all criminal proceedings in the Kentucky Court of Justice.
- 5.2 Arraignments: Arraignments will be conducted during the regularly scheduled criminal Motion Dockets for Division I.
- 5.3 Pre-Trial Conferences: The Judge will schedule one (1) initial Pre-Trial Conference in all cases where requested by counsel for either party. This initial Pre-trial Conference will generally be scheduled approximately 60 days after arraignment. This scheduled may be altered by agreement of the parties or by the Court upon request. Additional Pre-trial Conferences or Status Conferences may be scheduled by agreement of the parties, or by the Court when deemed necessary. At the request of either party or at the discretion of the Court, the Court will issue an order setting the matter for a jury trial. It is mandatory the parties follow the deadlines set forth in the Order Scheduling Jury Trial. See RCr 8.18(2).
- 5.4 Discovery: The Office of the Commonwealth of Attorney in the 12th Judicial Circuit maintains an "open file" discovery procedure. It is not necessary for counsel for a Defendant to file a discovery motion to begin the discovery process. Any defendant or counsel may direct a written correspondence to the Office of the Commonwealth Attorney with a request for initial discovery, a copy of the grand jury recordings, etc. The defense shall make necessary arrangements with the Office of the Commonwealth Attorney for the payment of any costs associated with providing requested discovery. Additional or supplemental discovery may be requested by exercising the same procedures for initial discovery. The defense may file a formal motion for discovery to be heard by the Court, if they desire additional information not covered by the informal procedure or there is a disagreement that the information is discoverable from the Commonwealth or its agents.

- 5.5 Final Pre-Trial Conferences: The Commonwealth and the Defendant must represent to the Court that a good faith effort has been made to resolve the matters complained of in the indictment. In advance of the Final Pre-Trial Conference, counsel should prepare the case, including providing and reviewing discovery, negotiating possible resolutions, filing motions, and conducting investigations, for the purpose of minimizing delay in bringing cases to trial or resolution.
- 5.6 Jury Trials: All jury trials begin promptly at 8:30 a.m. Unless otherwise specified, counsel shall meet in chambers at 8:00 a.m. to discuss preliminary matters, motions, and jury instructions. No motions may be filed the morning of the trial without leave of the Court. The Court may issue a Supplemental Trial Order setting forth procedural requirements for the conduct of jury trials and the submission of proposed instructions.
- 5.7 Settlement of Cases:
- (a) At any time prior to trial, a defendant who wishes to resolve his/her case by entering a guilty plea may do so by filing a Motion to Enter a Guilty Plea to be heard on the presiding judge's next available criminal docket.
 - (b) Parties shall notify the Court and the Circuit Clerk prior to 1:00 p.m. on the two (2) business days before the case is scheduled for trial if the case is settled. The Court retains discretion to refuse a plea of guilty pursuant to a plea agreement if a jury has reported. Upon notice and for good cause shown, the Court may waive the requirement for two (2) business days notice of jury trial settlement.
 - (c) If settlement of a case occurs prior to the scheduled trial date, the Court, in its discretion, may require the parties to appear in court, either physically or through the use of video conference technology, to place their settlement agreement or Motion to Enter Guilty Plea on the record, rather than wait for the next available criminal docket as set forth in subsection (a).
- 5.8 Court Proceedings: With the exception of incarcerated defendants or defendants presently receiving treatment at an inpatient treatment facility, the criminal docket shall be conducted in-person. No party or counsel shall appear by teleconference or video conference technology without leave of court.
- 5.9 Continuation of Bond: Bond decisions (including Monitored Conditional Release) made by the Court upon the arrest of a defendant and bond decisions from the District Court will continue until arraignment in Circuit Court, subject to the provisions in RCr 4.42 and 4.54. Unless the parties are in agreement, motions to change the conditions of bond shall be made in writing with appropriate notice to the Commonwealth. See RCr 4.40.
- 5.10 Arraignments: All defendants shall be scheduled for arraignment as follows:

- (a) Defendants held in custody solely upon a new indictment or indictments, shall be arraigned at the first available Motion Docket.
- (b) Other Defendants held in custody on matters unrelated to the new indictment shall be arraigned at the first available Motion Docket in the County of indictment.
- (c) Defendants who are not in custody, shall be scheduled to be arraigned on the regular Motion Docket no sooner than 14 days after service of indictment and no more than 60 days after service of the indictment.
- (d) Any requests for special accommodations for a defendant's arraignment shall be directed to the Office of the Commonwealth Attorney.

5.11 Transportation of Incarcerated Defendants/Witnesses: Due to the lack of appropriate secured facilities to temporarily house incarcerated defendants for Motion Docket in some Counties of this Circuit, the Court will conduct most of these proceedings via video conferencing technology when appropriate. However, where adequate facilities are available, incarcerated inmates will be transported for Motion Docket. The Court will issue the transport orders for any such appearance. Defendants are entitled to be transported and appear in person for any substantive stage in a proceeding and the court will make those arraignments when necessary.

- (a) At the present time, the Court uses Zoom Video Conferencing. The Court's log-in information is Meeting ID: 675 543 7005/ Password: HOTcourt12.
- (b) In order to avoid unnecessary delays, counsel for any defendant held in state or federal custody shall advise the Court, the Court's Judicial Support Specialist, or the Circuit Clerk of name and the location of the facility where the defendant is currently held at least 5 days prior to a defendant's scheduled appearance. The failure of defense counsel to timely advise the Court, the JSS, or the Circuit Clerk of the proper location to direct a transport order may result in the rescheduling of the matter and shall be considered good cause for all purposes.
- (c) If any subpoenaed witness is incarcerated, the party on whose behalf the witness is to testify shall submit a transport order, with appropriate times and locations, to the Court at least seven (7) days in advance of the desired appearance.

5.12 Counsel for a defendant making a Motion for Shock Probation shall file and notice the matter for a Motion Docket pursuant to KRS 439.265. The Court may either take the Motion under submission or may, in the Court's discretion, schedule a separate hearing. The Commonwealth shall have the opportunity to respond in writing to the motion within ten (10) days of the presentation of the motion at the initial hearing. A defendant will not be transported for the initial hearing.

5.13 Regular Motion Dockets: Except for legal holidays, and unless otherwise ordered by the Court, the regular Motion Dockets of the 12th Circuit shall be as follows:

(a) Henry Circuit Courtroom:

- a. 2nd Thursday: 9:00 a.m. and 1:00 p.m.- Arraignments, Probation Revocations, Motions to Void, Sentencings, Rocket Dockets, Show Cause Hearings, and Motions.

(b) Oldham Circuit Courtroom:

- a. 1st Thursday: 9:00 a.m. and 1:00 p.m.- Arraignments, Rocket Dockets, Pre-Trial Conferences, Guilty Pleas, Sentencings, and any motion not listed under subsection b.
- b. 4th Thursday:
 - i. 9:00 a.m.- All state institution inmate matters, including Arraignments, Rocket Dockets, Pre-Trial Conferences, Guilty Pleas, and Sentencings shall be held at Luther Luckett Correctional Complex in LaGrange, Kentucky.
 - ii. 11:00 a.m.- Arraignments.
 - iii. 1:00 p.m.- Motions to Revoke/Void, Motions for Destruction/Forfeiture, Motions for Shock Probation, Hearings to Review Payments, and Show Cause Hearings.

(c) Trimble Circuit Courtroom:

- a. 3rd Thursday: 9:00 a.m.- Arraignments, Probation Revocations, Motions to Void, Sentencings, Rocket Dockets, Hearings to Review Payments, Show Cause Hearings, and Motions.

(d) Unless otherwise specified, all matters shall be heard in the County of the original indictment. However, as may be necessary for the efficient administration of justice, a defendant's case may be heard in any of the Counties of the Circuit upon Order of the Court or as set forth in these Rules.

5.14 Special Hearing Days: In addition to the regular Motion Dockets, the Court may, from time to time, set special hearing days to accommodate the state holiday schedule, the schedules of the Court or the parties, the caseload of the circuit, or other relevant considerations.

5.15 Filing Deadline: Unless otherwise directed by the Court, all requests to docket a case and notice of all motions must be electronically served upon opposing counsel and filed at least 7 days prior to the Motion Docket. Any motion not accompanied by notice of the date for the hearing and date of notice to opposing counsel shall be summarily overruled except for good cause shown.

6. **CIVIL PROCEEDINGS:**

- 6.1 The Kentucky Rules of Civil Procedure govern procedure and practice in all actions of a civil nature in the Kentucky Court of Justice (except for special statutory proceedings).
- 6.2 Electronic Filing: All pleadings shall be filed in accordance with the Rules of Civil Procedure and in accordance with the applicable Supreme Court Rules requiring electronic filing. No pleadings shall be delivered to the Circuit Clerk or the Court by facsimile.
- 6.3 Court Proceedings: The civil docket shall be a video conference docket, although individuals may appear in person. At the present time, the Court uses Zoom Video Conferencing. The Court's log-in information is Meeting ID: 675 543 7005/ Password: HOTcourt12.
- 6.4 Regular Motion Dockets: Except for legal holidays, and unless otherwise ordered by the Court, the regular Motion Dockets of the 12th Circuit shall be as follows:
 - (a) Henry Circuit Courtroom:
 - a. 2nd Thursday: 8:45 a.m.
 - b. 4th Friday: 8:45 a.m.
 - (b) Oldham Circuit Courtroom:
 - a. 1st Friday: 1:00 p.m.
 - b. 2nd Friday: 1:00 p.m.
 - c. 4th Friday: 1:00 p.m.
 - (c) Trimble Circuit Courtroom:
 - a. 1st Friday: 8:45 a.m.
 - b. 3rd Thursday: 8:45 a.m.
- 6.5 Special Hearing Days: In addition to the regular Motion Dockets, the Court may, from time to time, set special hearing days to accommodate the state holiday schedule, the schedules of the Court or the parties, the caseload of the circuit, or other relevant considerations, including Court-approved, emergency hearings.
- 6.6 Motions Requiring Additional Time: Except for good cause shown, any motion requiring a hearing of more than ten (10) minutes will be assigned for a specific time and date when it is called on the regular Motion Docket.

- 6.7 Courtesy Copies: Parties may mail or e-mail to the Court prior to the hearing date for informational purposes, but mailed or e-mailed motions shall not be recognized by the Court until the original is received and filed in the record by the appropriate Circuit Clerk. This Rule in no way precludes a party from filing motions in compliance with the e-filing system. Motions filed in compliance with the e-filing protocol shall be deemed properly filed.
- 6.8 Filing Deadline: Unless otherwise directed by the Court, all cases must be placed on the Motion Docket at least seven (7) days prior to the regular Motion Docket. Any motion not accompanied by notice of date for hearing shall be summarily overruled except for good cause shown.
- 6.9 Agreed Orders, Prisoner cases, and Default Judgments: Any motion accompanied by an Agreed Order and any motion for a default judgment (if no party is entitled to notice) may be filed with the Clerk and sent directly to the presiding judge for signature. An appearance on Motion Docket is not required.
- (a) Affirmative statements as to military service which complies with the Service Members' Civil Relief Act, 50 U.S.C. App 501, et seq. are required as Military Affidavits in Motions for Default Judgment.
 - (b) Any case initiated by an individual presently incarcerated in a state or federal institution shall not be scheduled for the Civil Motion Docket and shall proceed as directed by order of the Court and in accordance with the Rules of Civil Procedure.
- 6.10 Discovery, Depositions, and Case Law:
- (a) None of the following pleadings, papers, or portions thereof, shall be filed with the Circuit Clerk, unless the filing is in accordance with an exception found in CR 5.06(2) & (3).
 - a. Interrogatories propounded under CR 33 and responses thereto.
 - b. Requests for Production or Inspection made under CR 34 and responses thereto.
 - c. Requests for admissions under CR 36 and responses thereto.
 - d. Medical Records.
 - (b) Originals of depositions shall not be filed in the Court record. The attorney who noticed the taking of a deposition shall be custodian of the record for the original deposition (and video recording) and shall present it when directed by the Court or any party involved in the proceedings. Relevant pages of a condensed deposition transcript shall be filed in the record if the deposition is the subject of any motion before the Court.

- (c) The use of videotaped depositions is permitted at trial subject to the Rules of Civil Procedure, the Rules of Evidence, and were recorded by a certified court reporter/videographer.
- (d) Case law may be tendered to the court but shall not be filed as an attachment unless ordered by the Court.

6.11 Motions for Summary Judgment, Motions for Judgment on the Pleadings, Motions to Dismiss, Motions to Strike, and Motions under CR 12.02: Except as set forth in these Rules for Judicial Sales, all Motions for Summary Judgment, for Judgment on the Pleadings, to Dismiss, to Strike, and under CR 12.02 shall be noticed, served, and filed at least ten (10) days prior to the date to be heard on Motion Docket with a memorandum of authority. An opposing party shall have twenty (20) days from the date the motion was served to file a brief in Response. Thereafter, the moving party shall be allowed seven (7) days to file a Reply brief. No further pleadings shall be allowed without leave of Court or agreement of record of all parties. Within seven (7) days from the close of the pleadings, either party may make a request for an oral argument. If no oral argument is requested then seven (7) days after the close of the briefing, the moving party shall notify the Court the matter is ready for final submission and adjudication by correspondence or AOC-280. The Clerk shall return the file to the Court. *These Rules and procedures do not apply to Motions to Dismiss in cases initiated by an individual presently incarcerated in a state or federal institution.

6.12 Withdrawal, Remand, or Cancellation: Any withdrawal or remand of motions shall be made by the filing party directly to the Court and the Clerk. Any cancellation of hearings must be by agreement of all parties.

6.13 Pre-Trial Conferences:

- (a) Matter of Course: Pre-trial Conferences shall be held as a matter of course in all civil jury trial actions and in such civil non-jury actions as deemed necessary by the parties and/or the Court.
- (b) Date and Time: Pre-trial Conferences shall be held at a time and date set by the Court upon motion of a party.
- (c) Procedures prior to Pre-Trial Conference: Except for good cause shown, or unless otherwise directed by the Court, the parties shall comply with the following prior to a Pre-Trial Conference:
 - a. Pleadings completed and issues defined;
 - b. Discovery proceedings completed;

- c. At or before the Pre-Trial Conference, submit written instructions incorporating the parties' then understanding of the issues and the law, without prejudice to the right to present further instruction as may be indicated by subsequent proceedings;
 - d. Be prepared to stipulate to certain facts as to the admissibility of certain documents or other evidence, or withdraw certain allegations or defenses appearing in the pleadings whenever possible, if same can be done without prejudice to the presentation of the case of either party; and
 - e. In tort actions involving personal injury, be prepared to exchange such medical reports and copies of medical bills or evidence of special damages as are subject to discovery under the Kentucky Rules of Civil Procedure.
- 6.14 Assignment of Trial Date: At a Pre-trial Conference, any action may be assigned or reassigned to a definite date for trial. A Pre-Trial Order shall be entered by the Court. In the Pretrial Order, the Court may require each party to submit a trial brief consisting of a short memorandum of the party's view of the fact and law on which it will rely and may fix a time for filing such briefs. Any party making a claim for damages shall submit an itemized statement of damages and amounts claimed in the trial brief.
- 6.15 Scheduling Orders: Upon motion of either party or on the Court's own initiative, a Scheduling Order may be provided in any civil case. The Scheduling Order may set deadlines for completion of discovery, disclosure of experts, pre-trial motions, and any other matters necessary to prepare the matter for trial. If not previously entered, a Scheduling Order shall be considered at the Pre-Trial Conference.
- 6.16 Failure to Comply: Except for good cause shown, failure to comply with any trial order may result in sanctions, and deviations will not be allowed to the disadvantage of opposing parties.
- 6.17 Settlement of Cases:
- (a) An Agreed Order of Dismissal, signed by all parties or their counsel, shall be prepared and tendered to the presiding judge for signature upon the settlement of any civil action.
 - (b) Parties shall notify the Court and the Circuit Clerk prior to 1:00 p.m. on the business day before the case is scheduled for trial if the case is settled.
- 6.18 Entry of Orders and Judgments:

- (a) All orders and judgments of the Court may, at the request of the Court, be prepared by counsel in whose favor the order or judgment is rendered.
- (b) A proposed order or judgment shall be tendered with any motion.
- (c) If the proposed order or judgment is not satisfactory to opposing counsel, counsel shall immediately make any objections known to the Court and present that party's alternative version of the order or judgment.

7. **MEDIATION:**

- 7.1 Mediation: Mediation is an informal process in which a neutral third person(s) called a mediator facilitates the resolution of all or part of a dispute between disputing parties. Decision-making authority remains with the parties, not the mediator. The mediator assists the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.
- 7.2 Civil Matters: In all civil matters, the mediation process shall be governed by CR 99 and CR 100.
- 7.3 Criminal Matters:
 - (a) All participants must agree to mediate before a request is made, and all referrals are subject to approval of the presiding judge.
 - (b) A request for a retired judge mediator must originate with the presiding judge. A felony criminal case that is eligible for mediation and approved by the presiding judge should be scheduled with the retired judge mediator.
 - (c) Criminal mediations are conducted at no additional cost to the participating parties.
 - (d) Mediation in criminal matters shall be considered plea discussion for the purposes of KRE 410.

8. **JUDICIAL SALES:**

- 8.1 Motions for Default and/or Summary Judgment and Order of Sale: All owners (including owners and taxing authorities of unpaid delinquent taxes and unpaid taxes) who have a claim or interest in the property shall be made parties to the action and duly served with process.
 - (a) Plaintiff's Counsel shall file with the Motion an Affidavit that a Title Search has been conducted prior to filing any action for foreclosure.

- (b) Plaintiff's Counsel shall file with the Motion an Affidavit of Military Service for each constructively served Defendant.
- (c) Motions for Default and/or Summary Judgment and Order of Sale shall be filed not less than thirty (30) days before the date noticed for hearing of the motion. All motions for Judgment on any Defendant's cross-claims must be filed and served by counsel not less than seven (7) days prior to the date noticed for the Judgment and Order of Sale motion. Any Defendant who does not reduce their claims to Judgment within the above time frame will be limited to pre-litigation fees per KRS 134.452, principal, and interest. Any other claim not submitted for judgment will be dismissed.
- (d) In an action involving the property of a party before the Court by constructive service alone, Plaintiff must comply with CR 4.11 regarding Bond.
- (e) Motions for Judgments and Orders of Sale shall be substantially in the form appended herein.

8.2 General Requirements

- (a) The Master Commissioner of the Oldham/Henry/Trimble Circuit Court shall sell the property within ninety (90) days after the date of the order of referral except that property found to be "vacant and abandoned" shall be sold in accordance with KRS 426.205. Upon Motion and good cause shown, the court may extend the deadline established by this section for a period not to exceed thirty (30) days.
- (b) Within seven (7) days of the entry of the Judgment and Order of Sale, the Plaintiff shall forward to the Master Commissioner a pre-sale deposit to help cover the estimated costs of the sale in the amount of \$1,000.00.
- (c) Appraisal fees and Advertising fees shall be paid from the sale deposit prior to any other distribution. The remainder of the deposit shall be held and applied to reduce Commissioner Fees and costs, no part of the sale deposit is refundable unless excess funds are held after all judgments are paid.
- (d) Should Plaintiff cancel or withdraw the sale before a sale deposit is received, Plaintiff shall be fully responsible for payment of costs and fees of the Master Commissioner.
- (e) Any Judgment and Order of Sale withdrawn, dismissed or vacated before an appraisal is conducted shall be charged the \$500.00 minimum fee and any report fees pursuant to RAP IV, Sec. 8(2)(c).

- (f) Before any real property is sold under a Judgment and Order of Sale, the appraisal value shall be determined by two disinterested persons both of whom are actively engaged in or have had at least one year of experience in the field of real estate. In accordance with KRS 426.520(2) the appraisal shall be in writing, shall be signed by the persons making it, and shall be filed in the court record prior to sale. All appraisals are valid for six months, afterward, a new appraisal must be conducted.
- (g) The Supreme Court of Kentucky Order 2024-40, AP Part IV, Section 5, General Provisions of Judicial Sales, is hereby incorporated as if fully set forth herein.

8.3 Mobile Homes

- (a) If a mobile home, or other structure requiring a certificate of title is located on the property, it shall be noted in the Complaint and Judgment and Order of Sale along with the year, make, model and VIN of said mobile home. It shall be stated whether the mobile home or other structure is a part of or affixed to the real estate or titled separately. If the mobile home has been converted to real estate pursuant to KRS 186A.297, a file stamped copy of the Affidavit of Conversion with recording information shall be attached to the Complaint.
- (b) If it is known that a mobile home is located on the real estate, then the record title holder and lien holder, if different from the record owner of the real estate, shall be made a party to the action.
- (c) In the event the "appraisal" report indicates the presence of a mobile home not mentioned in the Complaint, or the matter comes to the attention of the Master Commissioner, the Master Commissioner shall notify the Plaintiff or other party moving for sale and shall not proceed with the sale until the issue has been addressed by Amended Complaint or further Order of the Court.

8.4 Terms of Sale- Judgments and Orders of Sale

- (a) At the time of sale the successful bidder shall either pay full cash or make a deposit of 10% of the purchase price in the form of a cash deposit, certified check or money order at the time of sale with the balance on credit of 30 days. If the purchase price is not paid in full, the successful bidder shall execute a bond at the time of sale with sufficient surety approved by the master commissioner, prior to the sale, to secure the unpaid balance of the purchase price. An individual purchaser may not serve as his/her own surety on the bond. A spouse may not serve as surety on the bond. The bond shall be for the unpaid purchase price and shall bear interest pursuant to KRS 426.705 at the rate the judgment bears from the date of sale until paid and shall have the force and full effect of a judgment. In the event the successful bidder is the Plaintiff, in lieu of the deposit the Plaintiff shall be allowed to bid on credit up to the judgment amount.

- (b) Should the property be occupied at the time a Deed is issued, Buyer must obtain a writ of possession to set out the occupants; no judgment shall automatically result in possession.
- (c) The successful purchaser of the property (the “property purchaser”) shall be required to assume and pay all taxes upon the property for the current tax year and all subsequent years.
- (d) 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.
- (e) A party taking credit against its judgment pursuant to 8.4(d), may elect to pay the delinquent taxes directly to any tax authorities and tax lien holders. If such election is made under this provision, the party shall provide an affidavit to the Court with service upon the Commissioner’s Office, listing all delinquent taxing authorities and lien holders; amount owing; tax year; and that all delinquent taxing authorities and tax lien holders have been paid and attach proof of the delinquent tax payoff.
- (f) No later than three business days after the date of sale, the Master Commissioner shall file in Court his report of the sale and serve a copy on each party entitled to notice. Any party taking exception to the Report of Sale shall, within ten (10) days from filing of Report of Sale, file in Court and serve a copy of his exceptions on all parties entitled to notice, and on the Master Commissioner. If no exceptions are filed within the ten (10) day period, the Court shall enter an Order confirming the sale. If exceptions are filed, the Court shall set a date for a hearing on the exceptions.
- (g) The Deed shall be delivered according to Part IV of the Rules of Administrative Procedure of the Kentucky Supreme Court.

8.5 Orders of Distribution

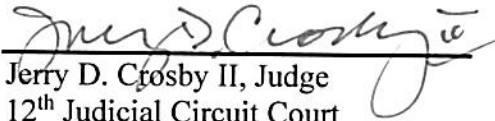
- (a) All motions for proposed “Orders of Distribution” shall be prepared by the party who sought judgment and order of sale. All proposed “Orders of Distribution” shall be set for motion hour, served upon non-defaulting parties and the Master Commissioner with notice at least 10 days prior to Motion Hour. The Court requests the Master Commissioner appear and object if the proposed Order of Distribution is incorrect, or, in the alternative, serve written notice of any error prior to the date set for Motion Hour.

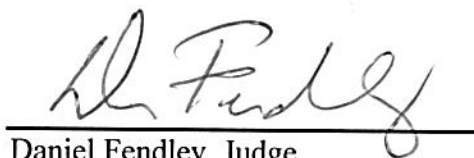
- (b) Orders of Distribution of funds held by the Master Commissioner shall set forth the amounts collected, including the advance costs deposit referenced in 6.1(2) above. All fees and costs must be itemized on the Order of Distribution and shall substantially comply with the form appended herein.
- (c) If disbursements are to be made to a taxing authority or tax lien holder, then the taxing authority and tax lien holders, (together with the outstanding tax bill number and year) must be listed in the proposed Order of Distribution, and a copy of the tax bill or bills must be furnished to the Master Commissioner with a payoff amount through the following month.
- (d) All subsequent lien holders have the responsibility of requesting distribution of any remaining funds they may be entitled to, after entry of appropriate judgment.
- (e) Any Order of Distribution tendered 120 days after date of sale shall be required to be docketed for Motion Hour and will only be granted by leave of Court for good cause shown.

9. **PROFESSIONAL EXPECTATIONS:**

- 9.1 Rules of Professional Conduct: Attorneys are required to strive to make the system of justice work fairly and efficiently. In carrying out that responsibility, attorneys are expected to comply with the letter and spirit of the Kentucky Rules of Professional Conduct.
- 9.2 Code of Professional Courtesy: The 12th Judicial Circuit hereby adopts the Kentucky Bar Association Code of Professional Courtesy as a guideline for lawyers in their dealings with their clients, opposing parties and their counsel, the courts, and the public.
- 9.3 Judicial, Staff, and Court Official Courtesy: The Court hereby recognizes the Rules of the Supreme Court in Canon 3.B(4). A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals with in an official capacity, and require similar conduct of lawyers and staff, court officials, and others subject to the judge's discretion and control.
- 9.4 Ex Parte Communications: With the exception of actions for emergency relief, temporary restraining orders, or motions for funds for indigent criminal defendants, there should be no ex parte communication with the Judge by counsel or parties in criminal or civil actions. Attorneys should advise their clients of the inability of the Court to discuss pending matters. Upon agreement of the parties in advance, and generally on issues such as scheduling or bond modification, either side may approach the Court only upon the agreed issue.

Submitted this 6 day of June 2025.


Jerry D. Crosby II, Judge
12th Judicial Circuit Court
Division One (1)
General Jurisdiction


Daniel Fendley, Judge
12th Judicial District Court
Division One (1)


Doreen Goodwin, Judge
12th Judicial Circuit
Division Two (2)
Family Court Jurisdiction


Brittany McKenna, Judge
12th Judicial District Court
Division Two (2)