Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING AMENDMENTS TO THE LOCAL RULES OF PRACTICE FOR THE 13TH JUDICIAL CIRCUIT, REGARDING GARRARD CIRCUIT COURT

Upon recommendation of the Chief Circuit Judge of the 13th Judicial Circuit, Garrard and Jessamine counties, and being otherwise sufficiently advised,

The amendment to Rule II of the Local Rules of Practice for the 13th Judicial Circuit regarding Garrard Circuit Court is hereby approved. This order shall be effective as of the date of this Order, and shall remain in effect until further orders of this court.

Entered this the 20th day of October 2011.

CHIEF JUSTICE JOHN D. MINTON, JR.

CIRCUIT COURT GENERAL TERM
AMENDMENT TO COURT PRACTICE AND PROCEDURE
FOR 13TH JUDICIAL DISTRICT
GARRARD CIRCUIT

RULE II. Amendment to Rule 2.10:

(b) Criminal Motion Days:

(2) Garrard: All criminal cases shall be set for the First Friday of each month at 10:00 A.M. and the Third Friday of each month at 9:00 A.M.

HUNTER DAUGHERTY, JUDGE
GARRARD CIRCUIT COURT

Distribution:

Jessamine County Bar
Garrard County Bar
Garrard Circuit Clerk
Garrard County Jailer
Garrard County Sheriff
Probation & Parole

Supreme Court of Kentucky

ORDER

IN RE: **ORDER APPROVING AMENDMENTS TO THE LOCAL RULES OF PRACTICE FOR THE 13TH JUDICIAL CIRCUIT, GARRARD AND JESSAMINE CIRCUIT COURTS**

Upon recommendation of the Judges of the 13th Judicial Circuit, Garrard and Jessamine Circuit Courts, and being otherwise sufficiently advised,

The amendments to the Local Rules of practice for the Garrard and Jessamine Circuit Courts are hereby approved. This order shall be effective as of the date of this Order, and shall remain in effect until further orders of this court.

Entered this the 6 day of March, 2007.

CHIEF JUSTICE

Kentucky Court of Justice

Rules of Court Practice & Procedure

13th Judicial Circuit
Circuit Court, Division I
Garrard and Jessamine Counties

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RULE I CITATION OF RULES:

These rules may be cited as Local Rules of the Thirteenth Judicial Circuit or Abbreviated as "LR13JC".

RULE II MOTION PRACTICE

Motion Days are classified as Civil and Criminal and, as a general rule, are held in each county within the Circuit on the following schedule:

(a) CIVIL MOTION DAYS: 9:00 a.m.

(1) Jessamine: Thursday before the Second and Fourth Friday of each month.

(2) Garrard: First Friday of each month.

(b) CRIMINAL MOTION DAYS: 9:00 a.m.

(1) Jessamine: Second and Fourth Friday of each month.

(2) Garrard: Third Friday of each month.

2.20 MOTION RULES

(a) All motions shall be scheduled for Motion Day, except as follows:

(1) Motions for default judgment. CR 5.01

(2) Motions for action upon Commissioner's Reports, but only if all parties not in default agree in writing to submit the matter to the Court and waive service and notice requirements otherwise required by CR 53.06. To request action upon Commissioner's Reports before expiration of the ten (10) day period, all parties must also specifically waive that requirement.

(3) Ex parte motions authorized by rule or statutes.

(b) Motions and notice thereof shall be served at least seven (7) days prior to the Time specified for the hearing, except for good cause shown. All motions are to be copied to the Court.

(c) Motions shall be filed with the Circuit Clerk on or before close of business of the third day preceding the motion.

(d) The orders and rulings written on the docket and signed by the Court shall constitute the entire order of the Court unless it is noted on the docket that a supplemental order or ruling is to be filed. If counsel is directed to prepare an order, it shall be done and left at the Clerk's office within five (5) days of

the ruling. Counsel shall submit the appropriate number of copies along with the original.

(e) In the event a Motion Day is cancelled for any reason, all cases shall automatically be re-docketed for the next regular Motion Day and shall be scheduled before subsequently filed motions.

(f) Both civil and criminal motions shall be docketed and heard in the county where the action is filed unless:

(1) The matter is of an emergency nature and the grounds for the emergency are stated in the motion;

(2) The motion and notice requirements are complied with; and

(3) The record is made available as required by Kentucky Rules of Procedure. CR 79.05.

(g) Attorneys are encouraged to prepare summons to assist the Clerk in issuance of same.

RULE III MASTER COMMISSIONER:

3.10 GENERAL REQUIREMENT

The Master Commissioner of the Garrard and Jessmine Circuit Court shall not set sale dates until the party requesting the sale date has provided the following:

(1) Payment for the estimated costs of each sale in the amount of Seven Hundred and Fifty Dollars ($750.00). Any additional expense requested by the party seeking a date of sale will be addressed on an individual basis by the Master Commissioner.

(2) A legal description to be sold with a street address, if available.

(3) The name and address of each person or entity who is to be served notice by the Master Commissioner.

(4) The name of the party or parties whose interest is being sold or conveyed.

(5) The source of title of the party or parties whose interest is being sold or conveyed.

3.20 JUDGMENTS AND ORDERS OF SALE

The terms of sale to be stated in all Judgments and Orders of Sale and are as follows:

(1) The terms of the sale shall be either cash or ten (10%) percent of the purchase price in the form of a cash deposit at the time of sale and balance of

the purchase price on a credit of 60 days. If the purchaser elects to take credit for the balance, then the purchaser will be required to post bond and furnish acceptable surety thereon. Said bond shall be for the unpaid balance of the purchase price and bear interest at the rate of twelve (12%) percent per annum from the date of sale until paid.

(2) The purchaser shall be required to assume and pay all taxes levied against said property for the current tax year and all subsequent years. The property shall be sold "as is", and possession shall pass to the purchaser upon delivery of deed. Risk of loss shall pass to the purchaser upon execution of bond of sale or payment of the purchase price in full whichever occurs first.

(3) The property shall be sold free and clear of any right, title or interest of all parties to the action and all liens and encumbrances thereon of any party. The sale of the real estate shall be made subject to all zoning and building regulations, restrictions, ordinances, easements, covenants, and rights-of-way, of record or otherwise.

3.30 ORDERS OF DISTRIBUTION

Orders of Distribution of funds held by the Master Commissioner shall:

(1) Set forth the amounts collected, including the advance costs deposit referenced in 6.10(1) above.

(2) If disbursements are to be made to a taxing authority, then the taxing authority with the outstanding tax bill number and year must be listed in the Order of Distribution and copy of the tax bill or bills must be furnished to the Master Commissioner.

(3) The preparation of the Order of Distribution shall be the responsibility of the lien holder of first priority and shall address all secondary lienholder's interests.

(4) If the amount of a secondary lienholder's interest is unknown, then that is to be stated in the Order of Distribution and the balance is to be held by the Master Commissioner pending further Orders of the Court.

RULE IV CRIMINAL MATTERS:

4.10 GUILTY PLEAS

A. On a plea of guilty at any stage of the proceedings, the defendant shall:

(1) file a written Plea Agreement in open court;

(2) file a Motion to Enter a Guilty Plea, signed in open court; and

(3) tender an Order Entering Guilty Plea.

B. A plea of guilty, with a recommendation from the Commonwealth, may be entered anytime before trial but only if the Court and Clerk are notified of such by the close of the second business day prior to trial so that the jury may be properly notified. If not, a plea of guilty must be to the Indictment as charged, and no amendments or plea bargaining will be approved except for good cause shown.

4.20 TRANSPORTATION-INCARCERATED DEFEDANTS/WITNESSES

A. If a defendant is not in state or federal custody, the jailer and/or sheriff of the county in which the case is pending shall, without further order, transport incarcerated defendants for arraignments, trials, diversions, probation revocation hearings, pretrials and sentencings, as indicated on the Court docket. If a defendant is in state or federal custody, the Court shall issue the transport order for arraignment, but counsel for the defendant shall submit transport orders to the Court for all subsequent appearances.

B. If an incarcerated defendant desires to be present at a status hearing, motion, or any other stage of the proceedings not specifically mentioned in 4.20A, the defendant or counsel shall submit a transport order, with appropriate times and places, to the Court at least five (5) days in advance of the desired appearance.

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 places, to the Court at least five (5) days in advance of the desired appearance.

RULE V GENERAL RULES:

5.10 VIDEO TAPE PROCEDURES

All trials and hearings in the Jessamine Circuit Court, including those before the Master Commissioner, shall be reported by video tape unless otherwise ordered. CR 98 shall apply to both Court and/or Commissioner practice.

5.20 MEDIATION

Any judge may refer any civil case to mediation except a habeas corpus or election contest. Unless ordered otherwise, all mediations shall be conducted in accordance with Administrative Procedure XII of the Court of Justice.

CIRCUIT COURT OFFICIALS

CIRCUIT JUDGE

Honorable Hunter Daugherty
Jessamine County Courthouse
101 North Main Street
Nicholasville, KY 40356
(859) 885-6722
(859) 881-5252 (Fax)

CIRCUIT COURT CLERKS

JESSAMINE COUNTY

Doug Fain
107 North Main Street
Nicholasville, KY 40356
(859) 885-4531
(859) 887-0425 (Fax)

GARRARD COUNTY

Jennifer Grubbs
7 Public Square
Lancaster, KY 40444
(859) 792-2961
(859) 792-6414 (Fax)

MASTER COMMISSIONERS

JESSAMINE COUNTY

Hon. Christopher L. Stansbury
110 North Main Street
Nicholasville, KY 40356
(859) 887-1200
(859) 885-2307 (Fax)

GARRARD COUNTY

Hon. Johnny O. Bolton
207 Stanford Street, Suite 2
P.O. Box 611
Lancaster, KY 40444
(859) 792-8844
(859) 792-8874 (Fax)

APPENDIX A

TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL 13TH JUDICIAL CIRCUIT AND DISTRICT GARRARD AND JESSAMINE COUNTIES

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the circuit/family and district courts.

I. Uniform Protocol for Processing Cases

A. Circuit court clerks shall process domestic violence cases in accordance with the procedures set forth in the "Domestic Violence Proceedings" section of the Kentucky Circuit Court Clerk's Manual.

B. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.

C. Domestic violence matters may be reassigned from the district court division to circuit/family court when there is a dissolution/custody proceeding pending.

D. No jurisdiction shall adopt a blanket "no-drop" policy. Domestic violence cases are civil matters within the purview of CR 41.01.

E. Domestic violence cases may be reassigned or transferred to another circuit, consistent with FCRPP 12, when there is a pending dissolution or custody matter in the other Circuit. Any emergency protective order shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.740(4), for a period not to exceed fourteen days if service has not been made on the adverse party by the date of transfer, or as the court determines is necessary for the protection of the petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer.

II. Twenty-four Hour Accessibility

A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **during** regular business hours:

Jessamine County Circuit Court Clerk
Garrard County Circuit Court Clerk
Any law enforcement officer
Any victim's advocate

B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **after** regular business hours and weekends:

Any law enforcement officer

C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition to the following:

The Family Court Judge, the District Court Judge, the Circuit Court Judge or the Trial Commissioner, based upon availability.

D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to:

The Family Court Judge, the District Court Judge, the Circuit Court Judge or the Trial Commissioner, based upon availability.

E. Petitions will be reviewed within an hour of presentation to a judge or trial commissioner unless it is impossible due to the unavailability of a judge or trial commissioner.

F. The schedule for domestic violence hearings is as follows:

Garrard Circuit Court
Each Friday beginning at 3.00 PM.

Jessamine Circuit Court
Each Wednesday beginning at 3.00 PM.

III. Contempt Proceedings

A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive.

B. Petitioners seeking to initiate contempt proceedings should contact:

The Office of the Circuit Court Clerk in the county where the action is pending.

C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing or to prosecute a criminal violation of a protective order.

All general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

The above protocol is adopted by all judges in the circuit/district:

C Michael Dix 21 Aug 12
Name/Date

8-23-12
Name/Date

(8-2-12)
Name/Date

Name/Date

8-10-12
Name/Date

Name/Date