

2018 Kansas Statutes

60-2410. Sale of real property under execution. (a) *Notice.* Lands and tenements taken on execution shall not be sold until the officer gives public notice of the time and place of sale once each week for three consecutive weeks prior to the day of sale, by publication in the county in which the judgment was rendered and in the county in which the land and tenements are located. Each such publication shall be in a newspaper which meets the requirements of K.S.A. 64-101 and amendments thereto and which is designated by the party ordering the sale. The last such publication shall not less than seven days nor more than 14 days prior to the day of sale.

(b) *Where sale of land held.* All sales of lands or tenements under execution shall be held at the courthouse located in the county seat of the county in which the judgment was rendered. Upon application, a district judge whose district includes the county where the judgment was rendered may, for good cause shown, order such sale to be held on the premises or at such other location as the order may designate.

(c) *Agricultural land; sale by individual parcel, parcels or as a whole.* Agricultural land taken on execution issued following an action for mortgage foreclosure shall be offered for sale by individual parcel, groups of parcels or as a whole at the discretion of the district judge who shall determine the most commercially reasonable fashion to sell the agricultural land. Agricultural land thereafter may be redeemed in the individual parcel, groups of parcels or as a whole depending on how the land was sold at the sheriff's sale. "Agricultural land" means land used in farming, tillage of the soil, dairy farming, ranching, production or raising of crops, poultry or livestock, or production of poultry or livestock products in an unmanufactured state. The provisions of this subsection shall expire on July 1, 1992.

(d) *Reversal of judgment after sale of land; title of purchaser.* If any judgment or judgments in satisfaction of which any lands or tenements are sold shall at any time thereafter be reversed, such reversal shall not defeat or affect the title of the purchaser, or purchasers. In such cases restitution shall be made by the judgment creditors of the money for which such lands or tenements were sold, with lawful interest from the day of sale. This subsection shall not apply in cases of sales under judgments rendered without personal appearance by the party against whom the judgment was rendered, and without service on such party other than by publication, when such sale was made within six months from the date of such judgment.

(e) *Deed or certificate to purchaser of estate.* After sale by the sheriff of any real estate on execution, special execution or order of sale, the sheriff, if the real estate sold by the sheriff is not subject to redemption, shall execute upon court order in accordance with K.S.A. 60-2415 and amendments thereto a deed therefor to the purchaser. If the real estate is subject to redemption, the sheriff, upon court order in accordance with K.S.A. 60-2415 and amendments thereto, shall execute to the purchaser a certificate containing a description of the property and the amount of money paid by such purchaser, together with the amount of the costs up to that date. Such certificate shall state that, unless redemption of such real estate is made according to law, the purchaser or the purchaser's heirs or assigns will be entitled to a deed to the property. Any contract in any mortgage or deed of trust waiving the right of redemption shall be null and void except as provided by subsection (a) of K.S.A. 60-2414 and amendments thereto.

History: L. 1963, ch. 303, 60-2410; L. 1970, ch. 237, § 2; L. 1976, ch. 251, § 34; L. 1986, ch. 115, § 95; L. 1987, ch. 226, § 1; L. 1987, ch. 227, § 1; L. 1987, ch. 220, § 2; L. 1988, ch. 219, § 1; July 1.