

58-2257. Instruments pertaining to real estate; failure to return to owners; remedies. (a) If the holder of an instrument pertaining to real estate neglects or refuses to return such instrument within twenty (20) days after the date of the mailing of demand therefor in accordance with K.S.A. 58-2256 and amendments thereto, the owner of the instrument may sue in any court of competent jurisdiction to:

- (1) Obtain the instrument;
- (2) recover the sum of five hundred dollars (\$500) as damages for the wrongful detention of the instrument; or
- (3) obtain the instrument and recover damages as provided in paragraph (2) of this subsection.

In any such action, the owner of the instrument may recover all costs, together with a reasonable attorney's fee for preparing and prosecuting the suit. The owner may also recover any additional damages that the evidence in the case will warrant. In all such actions, writs of attachments may issue as in other cases.

(b) The provisions of this act shall not apply to any instrument upon which an attorney or other person has a statutory lien and has complied with the provisions of the statutes relating thereto.

History: L. 1941, ch. 282, § 2; L. 1980, ch. 163, § 2; July 1.