

2018 Kansas Statutes

41-1125. Alcoholic liquors subject to levy of execution; sale by sheriff, when; disposition of proceeds.

(a) The sheriff of any county who has in his possession alcoholic liquors on which he has levied execution for a judgment creditor may sell such alcoholic liquors when an order of the court is entered directing such sale. Such order shall be directed to the sheriff of the county in which execution is levied and shall fix the time and place of sale, method and manner in which the sale shall be held, together with such notice as the court shall direct. After payment of all costs of such action, the balance shall be paid to the judgment creditor, except, if the amount exceeds the amount of the judgment, then any excess of the judgment amount shall be returned to defendant debtor.

(b) If a creditor has become lawfully entitled to alcoholic liquors that were pledged as collateral for a loan, notwithstanding provisions of the Kansas liquor control act to the contrary, the creditor may request permission from the director to take possession of such alcoholic liquors and conduct a sale to a licensee possessing a valid license issued pursuant to the Kansas liquor control act or to a licensee possessing a valid license issued pursuant to the club and drinking establishment act, to satisfy any debt owed to the creditor. No such possession or sale shall occur without prior written authorization from the director. The director may require a detailed inventory or other information deemed necessary to ensure the safe storage, handling and transfer of such alcoholic liquor. The proceeds from any sale executed pursuant to this section shall go to the creditor in satisfaction of any debt owed, with any remaining proceeds to be returned to the debtor.

(c) This act shall not apply in any case in which the court has ordered and directed confiscation of liquors as part of a judgment or conviction.

History: L. 1968, ch. 354, § 1; L. 2017, ch. 51, § 1; July 1.