

2018 Kansas Statutes

66-801. Action to enforce mortgage or deed of trust; sale by sheriff; confirmation by court; sheriff's deed. In actions to enforce a mortgage or deed of trust executed by any railroad company upon its railroad or other property, or any portion thereof, if the property mortgaged shall be situated in more than one county in this state the district court of any one of such counties shall have jurisdiction to render judgment against such company for the amount found due in the same manner as is now provided by law concerning other debts secured by mortgage on real property, and to decree and enter an order for the sale of said mortgaged property, and to provide for the terms and method of payment of the purchase price of the property ordered to be sold; which order shall be directed to the sheriff of any or either of the counties in which said mortgaged property is situated. And the sheriff to whom such order may be directed shall have power to sell the whole of said property pursuant to the order of the court, and make return of his proceedings in the same manner as may be provided by law in ordinary cases of the foreclosure of mortgages upon real estate; and upon the coming into court of the return of the sale by the sheriff, if the same shall be found to have been made in compliance with the order of the court, the court shall thereupon confirm the sale, vesting in the purchaser title to the property sold, and order the execution of a deed by the sheriff, as in the case of the sale of real estate upon execution or other final process.

History: L. 1876, ch. 108, § 1; March 2; R.S. 1923, 66-801.