

**362.2-1005 Proceeds and expenses.**

- (1) Except as otherwise provided in subsection (2) of this section:
  - (a) Any proceeds or other benefits of a derivative action, whether by judgment, compromise, or settlement, belong to the limited partnership and not to the derivative plaintiff;
  - (b) If the derivative plaintiff receives any of those proceeds, then the derivative plaintiff shall immediately remit them to the limited partnership.
- (2) If a derivative action is successful in whole or in part, then the court may award the plaintiff reasonable expenses, including reasonable attorney's fees, from the recovery of the limited partnership.

**Effective:** July 12, 2006

**History:** Created 2006 Ky. Acts ch. 149, sec. 175, effective July 12, 2006.