

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2101

By Committee on Financial Institutions and Pensions

1-19

1 AN ACT concerning real estate transactions; regulating contract for deed  
2 transactions; making certain deceptive actions violations of the  
3 consumer protection act.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) Sections 1 through 4, and amendments thereto, shall be  
7 known and may be cited as the Kansas contract for deed act.

8 (b) As used in sections 1 through 4, and amendments thereto:

9 (1) "Buyer" means a person who purchases property subject to a  
10 contract for deed or any legal successor in interest to the buyer.

11 (2) "Contract for deed" means an executory agreement in which the  
12 seller agrees to convey title to real property to the buyer and the buyer  
13 agrees to pay the purchase price in five or more subsequent payments  
14 exclusive of the down payment, if any, while the seller retains title to the  
15 property as security for the buyer's obligation. Option contracts for the  
16 purchase of real property are not contracts for deed.

17 (3) "Property" means real property located in this state upon which  
18 there is located or will be located a structure designed principally for  
19 occupancy of one to four families that is or will be occupied by the buyer  
20 as the buyer's principal place of residence.

21 (4) "Seller" means any person who makes a sale of property by means  
22 of a contract for deed or any legal successor in interest to the seller.

23 Sec. 2. Any contract for deed or affidavit of equitable interest may be  
24 recorded in the office of the county register of deeds where the property is  
25 located by any interested person.

26 Sec. 3. (a) A seller shall not execute a contract for deed with a buyer  
27 if the seller does not hold title to the property. Except as provided further, a  
28 seller shall maintain fee simple title to the property free from any  
29 mortgage, lien or other encumbrance for the duration of the contract for  
30 deed. This subsection shall not apply to a mortgage, lien or encumbrance  
31 placed on the property:

32 (1) Due to the conduct of the buyer;

33 (2) with the agreement of the buyer as a condition of a loan obtained  
34 to make improvements on the property; or

35 (3) by the seller prior to the execution of the contract for deed if:

36 (A) The seller disclosed the mortgage, lien or encumbrance to the

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For Senate Committee on Financial Institutions and Insurance  
Office of Revisor of Statutes  
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(b) Following the notice and opportunity to cure provided for in section 4(c), and amendments thereto, the buyer shall have 15 calendar days to:

(1) record a release of affidavit of equitable interest or contract of deed, if such affidavit or contract were recorded; and

(2) vacate the premises under contract, if applicable.

(c) If such buyer fails to satisfy the conditions under subsection (b), then such buyer shall be responsible for the seller's reasonable attorney fees, costs and expenses for the removal of the affidavit of equitable interest or contract of deed from the title and eviction of the buyer from the premises, if applicable.