

HOUSE BILL No. 2127

By Committee on Judiciary

1-23

1 AN ACT concerning the Kansas probate code; adjusting time requirements
2 linked to notice by publication and mailing; relating to hearing dates;
3 sales at public auction; amending K.S.A. 59-2209 and 59-2308 and
4 repealing the existing sections.

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

7 Section 1. K.S.A. 59-2209 is hereby amended to read as follows: 59-
8 2209. (a) When notice of hearing is required by any provision of this act
9 by specific reference to this section, such notice shall be published once-a
10 per week for three consecutive weeks in some newspaper of the county
11 authorized by law to publish legal notices. ~~The first publication shall be~~
12 ~~made within 10 days after the order fixing the time and place of the~~
13 ~~hearing and,~~ Within seven days after the first published notice, the
14 petitioner shall mail or cause to be mailed, postage prepaid, a copy of the
15 notice to each heir, devisee and legatee or guardian and ward, conservator
16 and conservatee or guardian ad litem, as the case may be, other than the
17 petitioner, whose name and address is known to the petitioner. A copy of
18 the petition, any attachments to it and, when applicable, a copy of the will,
19 accounting and settlement agreement shall be included with the notice,
20 unless excused by court order. The date set for the hearing shall not be
21 earlier than ~~seven days nor later than 14~~ 10 days after the date of the last
22 publication of notice.

23 (b) Whenever notice is mailed to a person residing in a foreign
24 country, such notice shall be mailed by air mail.

25 Sec. 2. K.S.A. 59-2308 is hereby amended to read as follows: 59-
26 2308. In all sales at public auction the personal representative shall give
27 notice containing a particular description of the real estate to be sold, and
28 ~~by stating such notice shall state~~ the time, terms and place of sale. The
29 notice shall be given by publication once-a per week for three consecutive
30 weeks in some newspaper, authorized to publish legal notices, of the
31 county in which the real estate is situated. The date set for the sale shall
32 not be earlier than ~~seven days nor later than 14~~ 10 days after the date of the
33 last publication of notice. If the tracts to be sold are contiguous and lie in
34 more than one county, notice may be given and the sale made in either of
35 such counties.

36 Sec. 3. K.S.A. 59-2209 and 59-2308 are hereby repealed.

1 Sec. 4. This act shall take effect and be in force from and after its
2 publication in the statute book.