

2023 Kansas Statutes

58-9a-412. Receipts from sale of timber. (a) To the extent a fiduciary does not account for receipts from the sale of timber and related products as a business under K.S.A. 2023 Supp. 58-9a-403, and amendments thereto, the fiduciary shall allocate the net receipts:

(1) To income, to the extent the amount of timber cut from the land does not exceed the rate of growth of the timber;

(2) to principal, to the extent the amount of timber cut from the land exceeds the rate of growth of the timber or the net receipts are from the sale of standing timber;

(3) between income and principal if the net receipts are from the lease of land used for growing and cutting timber or from a contract to cut timber from land, by determining the amount of timber cut from the land under the lease or contract and applying the rules in paragraphs (1) and (2); or

(4) to principal, to the extent advance payments, bonuses and other payments are not allocated under paragraph (1), (2) or (3).

(b) In determining net receipts to be allocated under subsection (a), a fiduciary shall deduct and transfer to principal a reasonable amount for depletion.

(c) This section applies to land owned or held by a fiduciary whether or not a settlor was cutting timber from the land before the fiduciary owned or held the property.

(d) If a fiduciary owns or holds an interest in land used for growing and cutting timber before July 1, 2021, the fiduciary may allocate net receipts from the sale of timber and related products as provided in this section or in the manner used by the fiduciary before July 1, 2021. If the fiduciary acquires an interest in land used for growing and cutting timber on or after July 1, 2021, the fiduciary shall allocate net receipts from the sale of timber and related products as provided in this section.

History: L. 2021, ch. 63, § 28; July 1.