

HOUSE BILL No. 2873

By Committee on Taxation

2-13

9 AN ACT concerning mortgage registration fees; relating to refunds;
10 amending K.S.A. 79-3102 and repealing the existing section.

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

13 Section 1. K.S.A. 79-3102 is hereby amended to read as follows: 79-
14 3102. (a) Before any mortgage of real property, or renewal or extension
15 of such a mortgage, is received and filed for record, there shall be paid
16 to the register of deeds of the county in which such property or any part
17 thereof is situated a registration fee of .26% of the principal debt or
18 obligation which is secured by such mortgage. In the event the mortgage
19 states that an amount less than the entire principal debt or obligation will
20 be secured thereby, the registration fee shall be paid on such lesser
21 amount.

22 (b) As used herein, "principal debt or obligation" shall not include
23 any finance charges or interest.

24 (c) In any case where interest has been precomputed, the register of
25 deeds may require the person filing the mortgage to state the amount of
26 the debt or obligation owed before computation of interest.

27 (d) No registration fee whatsoever shall be paid, collected or required
28 for or on: (1) Any mortgage or other instrument given solely for the pur-
29 pose of correcting or perfecting a previously recorded mortgage or other
30 instrument; (2) any mortgage or other instrument given for the purpose
31 of providing additional security for the same indebtedness, where the
32 registration fee herein provided for has been paid on the original mort-
33 gage or instrument; (3) any mortgage or other instrument upon that por-
34 tion of the consideration stated in the mortgage tendered for filing which
35 is verified by affidavit to be principal indebtedness covered or included
36 in a previously recorded mortgage or other instrument with the same
37 lender or their assigns upon which the registration fee herein provided
38 for has been paid; (4) any lien, indenture, mortgage, bond or other in-
39 strument or encumbrance nor for the note or other promise to pay
40 thereby secured, all as may be assigned, continued, transferred, reissued
41 or otherwise changed by reason of, incident to or having to do with the
42 migration to this state of any corporation, by merger or consolidation with
43 a domestic corporation as survivor, or by other means, where the original

1 secured transaction, for which the registration fee has once been paid, is
2 thereby continued or otherwise acknowledged or validated; (5) any mort-
3 gage or other instrument given in the form of an affidavit of equitable
4 interest solely for the purpose of providing notification by the purchaser
5 of real property of the purchaser's interest therein; (6) any mortgage in
6 which a certified development corporation certified by the United States
7 small business administration participates pursuant to its community ec-
8 onomic development program; (7) any mortgage or other instrument
9 given for the sole purpose of changing the trustee; or (8) any mortgage
10 for which the registration fee is otherwise not required by law.

11 (e) The register of deeds shall receive no additional fees or salary by
12 reason of the receipt of fees as herein provided. After the payment of the
13 registration fees as aforesaid the mortgage and the note thereby secured
14 shall not otherwise be taxable.

15 (f) *In any case where a second registration fee has been erroneously*
16 *paid on the same mortgage of real property pursuant to the provisions of*
17 *this section, the register of deeds shall refund such second payment. The*
18 *30-day time period in which to file a written protest statement as provided*
19 *by K.S.A. 79-3107c, and amendments thereto, shall not be applicable to*
20 *any such refund of a second payment pursuant to this subsection.*

21 Sec. 2. K.S.A. 79-3102 is hereby repealed.

22 Sec. 3. This act shall take effect and be in force from and after its
23 publication in the statute book.