

SENATE BILL No. 136

By Senator Haley

1-28

9 AN ACT concerning real property; relating to transfer upon the death of
10 the owner; filing a notification of interest in title by an heir.

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

13 Section 1. (a) When the appraised value of real property owned by
14 a decedent is not greater than \$15,000 according to the most recent tax
15 appraisal, and the decedent's estate is not subject to homestead or allow-
16 ances pursuant to K.S.A. 59-401 et seq., and amendments thereto, or
17 such homestead or allowances are waived, any heir, devisee or legatee of
18 the decedent may file a notification of interest in title in the office of the
19 register of deeds in the county where such real property is located. Such
20 notification of interest in title shall be in substantially the form set out in
21 subsection (f) and shall state:

22 (1) The decedent's name and the date of death;

23 (2) the address and legal description of such real property owned by
24 the decedent;

25 (3) the name and current address of the heir, devisee or legatee filing
26 the notification;

27 (4) the relationship between the decedent and the heir, devisee or
28 legatee filing the notification;

29 (5) that the taxes on such real property are current and not
30 delinquent;

31 (6) that such real property is free of liens and encumbrances; and

32 (7) that the heir, devisee or legatee filing the notification of interest
33 in title is filing a claim to be the vested owner of such real property.

34 (b) A certified copy of the decedent's death certificate shall be at-
35 tached to such form.

36 (c) If after three years from the date of the filing of the notification
37 of interest in title, no other heir, devisee or legatee has petitioned the
38 court in a probate proceeding pursuant to the Kansas probate code, the
39 heir, devisee or legatee who filed the notification of interest in title shall
40 be the legal owner of such real property.

41 (d) If at any time during the three-year period, another heir, devisee
42 or legatee petitions the court to establish a probate proceeding, and if
43 during the probate proceeding the court establishes a determination of

1 descent that allows another party to receive a share of such real property,
2 such other party shall be liable to the heir, devisee or legatee filing the
3 notification of interest in title for any taxes paid on such real property
4 and reasonable maintenance and upkeep costs documented and paid by
5 such heir, devisee or legatee.

6 (e) The provisions of this section shall apply only to real property
7 located in Wyandotte county.

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