

As Amended by House Committee

Session of 2016

SENATE BILL No. 321

By Committee on Judiciary

1-12

1 AN ACT concerning probate; relating to filing of wills; amending K.S.A.
2 2015 Supp. 59-618a and repealing the existing section.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2015 Supp. 59-618a is hereby amended to read as
6 follows: 59-618a. (a) Any person possessing a decedent's will may file in
7 the district court of the county of the decedent's last residence the
8 decedent's will and an affidavit which complies with subsection (b) ~~if the~~
9 ~~decedent's probate estate contains no known real or personal property or~~
10 ~~the value of the known real and personal property in the decedent's probate~~
11 ~~estate is less than the total of all known demands enumerated in K.S.A. 59-~~
12 ~~1301, and amendments thereto.~~

13 (b) An affidavit filed pursuant to this section shall state: (1) The
14 name, residence address and date and place of death of the decedent; (2)
15 the names, addresses and relationships of all the decedent's heirs, legatees
16 and devisees which are known to the affiant after a diligent search and
17 inquiry; (3) the name and address of any trustee of any trust established
18 under the will; (4) ~~the property left by the decedent and its approximate~~
19 ~~valuation; (5) the approximate amount and nature of any demands~~
20 ~~enumerated in K.S.A. 59-1301, and amendments thereto, which were~~
21 ~~outstanding against the decedent's estate upon the decedent's death; (6) that~~
22 ~~the will is being filed with the district court for the purpose of preserving it~~
23 ~~for record in the event that probate proceedings are later required; and (7)~~
24 (5) that a copy of the affidavit and will has been mailed to each heir,
25 legatee and devisee named in the affidavit.

26 (c) Any will filed pursuant to this section within a period of six
27 months after the death of the testator may be admitted to probate after such
28 six-month period.

29 Sec. 2. K.S.A. 2015 Supp. 59-618a is hereby repealed.

30 Sec. 3. This act shall take effect and be in force from and after its
31 publication in the ~~statute book~~ **Kansas register**.