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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: House Committee on Financial Institutions and Pensions

From: Office of Revisor of Statutes

Date: January 29, 2024

Subject: **HB 2101 - Regulating contract for deed transactions, authorizing recording of contract for deeds or affidavits of equitable interest, listing deceptive practices constituting violations of the consumer protection act, requiring notice to the buyer of default and allowing buyers to cure such default.**

House Bill No. 2101 would enact four new sections of law to be known as the Kansas contract for deed act.

Section 1 provides the name and citation of the act and definitions of terms used throughout the act.

Section 2 provides that any contract for deed or affidavit of equitable interest may be recorded in the office of the county register of deeds where the property is located by any interested person.

Section 3 prohibits a seller from executing a contract for deed with a buyer if the seller does not hold title to the property. A seller shall maintain fee simple title to the property free from any mortgage, lien or other encumbrance for the duration of the contract for deed, subject to certain exceptions listed in this section. A violation of section 3 is a deceptive act or practice under the Kansas consumer protection act and shall be subject to the enforcement provisions of the Kansas consumer protection act.

Section 4 provides that a buyer's rights under a contract for deed shall not be forfeited or canceled except as provided in this section, notwithstanding any provision in the contract providing for forfeiture of buyer's rights. The buyer's rights under a contract for deed shall not be forfeited until the buyer has been notified of the intent to forfeit and has been given a right to cure the default, and such buyer has failed to do so within the time period allowed. A timely tender of cure shall reinstate the contract for deed. This section also provides for the form of a notice of default and intent to forfeit and how such notice of default and intent to forfeit shall be served on a buyer. Nothing in this section shall be construed to preclude the buyer or the seller from pursuing other remedies.

HB 2101 would take effect July 1, 2024.