

2023 Kansas Statutes

59-3504. Transfer-on-death of interest in real estate; vesting of ownership in beneficiary; grantee beneficiary; judicial proceedings subject to probate code to determine descent; application of section. (a) Title to the interest in real estate recorded in transfer-on-death form shall vest in the designated grantee beneficiary or beneficiaries on the death of the record owner.

(b) Grantee beneficiaries of a transfer-on-death deed take the record owner's interest in the real estate at death subject to all conveyances, assignments, contracts, mortgages, liens and security pledges made by the record owner or to which the record owner was subject during the record owner's lifetime including, but not limited to, any executory contract of sale, option to purchase, lease, license, easement, mortgage, deed of trust or lien, claims of the state of Kansas for medical assistance, as defined in K.S.A. 39-702, and amendments thereto, pursuant to K.S.A. 39-709, and amendments thereto, and to any interest conveyed by the record owner that is less than all of the record owner's interest in the property.

(c) (1) Except as provided in subsection (c)(2), if a grantee beneficiary dies prior to the death of the record owner and an alternative grantee beneficiary has not been designated on the deed to succeed to such deceased grantee beneficiary's interest, the transfer, with respect to any such deceased grantee beneficiary, shall lapse.

(2) When the transfer-on-death deed was not made contingent on such grantee beneficiary surviving the record owner and a deceased grantee beneficiary leaves at least one then-surviving issue of such beneficiary upon the death of the owner when such interest would otherwise have lapsed under subsection (c)(1), the interest in the real estate shall not lapse and shall vest on such record owner's death in the then-surviving issue of the deceased grantee beneficiary on a per stirpes basis as successor grantee or grantees.

(d) Any judicial proceeding initiated by an interested party to determine the succession of ownership of real estate of a deceased record owner pursuant to subsection (c) shall be subject to chapter 59 of the Kansas Statutes Annotated, and amendments thereto, to determine descent.

(e) The amendments made to this section by this act shall apply to deeds filed of record on or after July 1, 2023.

History: L. 1997, ch. 176, § 4; L. 2015, ch. 42, § 19; L. 2023, ch. 77, § 15; July 1.