

2012 Kansas Statutes

59-2401. Appealable orders in cases involving decedents' estates, when; bond. (a) An appeal from a district magistrate judge to a district judge may be taken no later than 30 days from the date of entry of any of the following orders, judgments or decrees in any case involving a decedent's estate:

- (1) An order admitting or refusing to admit a will to probate.
- (2) An order finding or refusing to find that there is a valid consent to a will.
- (3) An order appointing, refusing to appoint, removing or refusing to remove a fiduciary other than a special administrator.
- (4) An order setting apart or refusing to set apart a homestead or other property, or making or refusing to make an allowance of exempt property to the spouse and minor children.
- (5) An order determining, refusing to determine, transferring or refusing to transfer venue.
- (6) An order allowing or disallowing a demand, in whole or in part, when the amount in controversy exceeds \$5,000.
- (7) An order authorizing, refusing to authorize, confirming or refusing to confirm the sale, lease or mortgage of real estate.
- (8) An order directing or refusing to direct a conveyance or lease of real estate under contract.
- (9) Judgments for waste.
- (10) An order directing or refusing to direct the payment of a legacy or distributive share.
- (11) An order allowing or refusing to allow an account of a fiduciary or any part thereof.
- (12) A judgment or decree of partial or final distribution.
- (13) An order compelling or refusing to compel a legatee or distributee to refund.
- (14) An order compelling or refusing to compel payments or contributions of property required to satisfy the elective share of a surviving spouse pursuant to K.S.A. 59-6a201 et seq., and amendments thereto.
- (15) An order directing or refusing to direct an allowance for the expenses of administration.
- (16) An order vacating or refusing to vacate a previous appealable order, judgment, decree or decision.
- (17) A decree determining or refusing to determine the heirs, devisees and legatees.
- (18) An order adjudging a person in contempt pursuant to K.S.A. 59-6a201 et seq., and amendments thereto.
- (19) An order finding or refusing to find that there is a valid settlement agreement.
- (20) An order granting or denying final discharge of a fiduciary.
- (21) Any other final order, decision or judgment in a proceeding involving a decedent's estate.

(b) An appeal from the district court to an appellate court taken pursuant to this section shall be taken in the manner provided by chapter 60 of the Kansas Statutes Annotated for other civil cases.

(c) Pending the determination of an appeal pursuant to section (a) or (b) of this section, any order appealed from shall continue in force unless modified by temporary orders entered by the court hearing the appeal. The supersedeas bond provided for in K.S.A. 60-2103, and amendments thereto, shall not stay proceedings under an appeal from the district court to an appellate court.

(d) In an appeal taken pursuant to section (a) or (b) of this section, the court from which the appeal is taken may require an appropriate party, other than the state of Kansas, any subdivision thereof, and all cities and counties in this state, to file a bond in such sum and with such sureties as may be fixed and approved by the court to ensure that the appeal will be prosecuted without unnecessary delay and to ensure the payment of all judgments and any sums, damages and costs that may be adjudged against that party.

History: L. 1939, ch. 180, § 269; L. 1965, ch. 346, § 48; L. 1976, ch. 243, § 43; L. 1976, ch. 242, § 55; L. 1977, ch. 112, § 18; L. 1987, ch. 211, § 3; L. 2000, ch. 25, § 8; L. 2002, ch. 114, § 61; L. 2006, ch. 56, § 2; July 1.