

SENATE BILL No. 379

AN ACT concerning the Kansas probate code; providing a longer time for notice to creditors by publication when a petition for administration or probate of a will is filed; changing the process for transferring personal property by affidavit in small estates; modifying time requirements for notice by publication related to sales at public auction; amending K.S.A. 59-709 and 59-2243 and K.S.A. 2023 Supp. 59-1507b and 59-2308 and repealing the existing sections.

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

Section 1. K.S.A. 59-709 is hereby amended to read as follows: 59-709. (a) Every petitioner who files a petition for administration or probate of a will shall give notice thereof to creditors, pursuant to an order of the court, and within ~~10~~ 30 days after such filing. Such notice shall be published in some newspaper of the county authorized by law to publish legal notices and shall be published once a week for three consecutive weeks. A petitioner for the appointment of a successor administrator, administrator CTA or administrator DBN shall publish notice to creditors only in the event the original petitioner for administration or for the probate of a will had failed to give such notice.

(b) The personal representative of a decedent's estate shall give actual notice to known or reasonably ascertainable creditors prior to the expiration of the nonclaim statute.

(c) Notwithstanding any other notice requirements of the probate code, notice to creditors shall not be necessary if a petition for administration or probate of a will shall have been filed after the period of time prescribed by K.S.A. 59-2239, and amendments thereto, for the timely exhibit of creditors' claims.

Sec. 2. K.S.A. 2023 Supp. 59-1507b is hereby amended to read as follows: 59-1507b. (a) When a resident of the state dies, whether testate or intestate, if the total assets of the estate of the decedent subject to probate do not exceed \$75,000 in value, any personal property of whatever nature transferable to the decedent's estate by any entity or person shall be transferred to ~~the a person claiming to be a successor or successors of the decedent, if entitled thereto by will or by intestate succession or in a manner as directed by the successor,~~ without having been granted letters of administration or letters testamentary, upon such ~~successor's or successors'~~ successor furnishing the entity or person with an affidavit showing entitlement thereto.

(b) Transfer of such personal property to the successor or successors shall be deemed to be a transfer to the personal representative of the decedent, and the receipt of the successor or successors shall constitute a full discharge and release from any further claim for such transfer to the same extent as if the transfer had been made to an executor or administrator of the decedent's estate. The affidavit required herein shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council.

(c) *As used in this section, "successor" means a person:*

(1) *Entitled to the property by will or by intestate succession; or*

(2) *nominated as a personal representative under the decedent's will.*

Sec. 3. K.S.A. 59-2243 is hereby amended to read as follows: 59-2243. In all sales at public auction, the personal representative shall give notice containing a description of the property to be sold, and stating the time, terms and place of sale, by publication once not less than 10 days before the date of sale in some newspaper, authorized to publish legal notices, of the county where the sale is to be held. *If the sale is being held as an auction that takes place over more than one day, the notice shall be published not less than 10 days before the first day that the auction is open for bidding.*

Sec. 4. K.S.A. 2023 Supp. 59-2308 is hereby amended to read as

follows: 59-2308. In all sales at public auction the personal representative shall give notice containing a particular description of the real estate to be sold, and such notice shall state the time, terms and place of sale. The notice shall be given by publication once per week for three consecutive weeks in some newspaper, authorized to publish legal notices, of the county where the real estate is situated. The date set for the sale shall not be earlier than 10 days and not later than 30 days after the date of the last publication of notice. *If the sale is being held as an auction that takes place over more than one day, the first day that the auction is open for bidding shall not be earlier than 10 days and not later than 30 days after the date of the last publication notice.* If the tracts to be sold are contiguous and lie in more than one county, notice may be given and the sale made in either of such counties.

Sec. 5. K.S.A. 59-709 and 59-2243 and K.S.A. 2023 Supp. 59-1507b and 59-2308 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.