

SESSION OF 2024

SUPPLEMENTAL NOTE ON SENATE BILL NO. 379

As Recommended by Senate Committee on
Judiciary

Brief*

SB 379 would amend provisions in the Kansas Probate Code (Code) regarding the publication notice required to be given to creditors with respect to the administration or probate of a will and for publication notice of sales of real and personal property at auction. The bill would also clarify the process by which small estates may be transferred to a successor by affidavit.

Publication Notice

The bill would extend the window of time to publish notice of the filing of a petition for administration or probate to a will to creditors from 10 days to 30 days. [*Note: 2023 HB 2130 extended the deadline by which notice of probate hearings must be made to 30 days.*]

The bill would amend law governing the sale of personal property at public auction to clarify that if an auction will take place over more than one day, then the publication notice would be required to be published no less than 10 days before the first day the auction is open for bidding.

The bill would also amend law governing the sale of real property at public auction to clarify that if a sale would be held over multiple days, the first day of bidding could not be earlier than 10 days but not later than 30 days after the date of the last publication notice.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Small Estates Affidavit Process

The bill would amend law governing the transfer of certain personal property by affidavit to permit transfers to a person claiming to be a successor of the decedent or in a manner as directed by the successor. [Note: Continuing law permits transfer by affidavit in probate estates that are less than \$75,000 in value.]

The bill would define the term “successor” as a person that is either:

- Entitled to the property by will or intestate succession; or
- Nominated as a personal representative under the decedent’s will.

Background

The bill was introduced in the Senate Committee on Judiciary at the request of a representative of the Kansas Judicial Council.

Senate Committee on Judiciary

In the Senate Committee hearing on February 5, 2024, a representative of the Kansas Judicial Council provided **proponent** testimony, stating that the bill would clarify language regarding transfer of property by affidavit to ensure a third party need not verify that a successor is actually a beneficiary and to allow a successor to direct how a third party may distribute property. The representative also stated the bill would align requirements of publication notice with recent amendments to other sections of the Code.

No other testimony was provided.

The Senate Committee recommended the bill be placed on the Consent Calendar.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Judicial Branch indicates the bill would have no fiscal effect on its operations.

Probate; notice of petition; auction; small estates; transfer by affidavit