

**SENATE BILL No. 293**

By Committee on Judiciary

1-18

1 AN ACT concerning probate; relating to filing of wills; amending K.S.A.  
2 2011 Supp. 59-618a and repealing the existing section; also repealing  
3 K.S.A. 59-621.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 59-618a is hereby amended to read as  
7 follows: 59-618a. (a) ~~Any person possessing a decedent's will may file in~~  
8 ~~the district court of the county of the decedent's last residence the~~  
9 ~~decedent's will and an affidavit which complies with subsection (b) if the~~  
10 ~~decedent's probate estate contains no known real or personal property or~~  
11 ~~the value of the known real and personal property in the decedent's probate~~  
12 ~~estate is less than the total of all known demands enumerated in K.S.A. 59-~~  
13 ~~1301 and amendments thereto After the death of a testator, any person in~~  
14 ~~possession of the testator's will shall deliver it to the district court of the~~  
15 ~~county of the decedent's last residence.~~

16 (b) *With respect to any will delivered to the district court under*  
17 *subsection (a), any interested person may also file an affidavit that*  
18 *complies with the following requirements.* An affidavit filed pursuant to  
19 this section shall state: (1) The name, residence address and date and place  
20 of death of the decedent; (2) the names, addresses and relationships of all  
21 the decedent's heirs, legatees and devisees which are known to the affiant  
22 after a diligent search and inquiry; (3) the name and address of ~~any trustee~~  
23 ~~of any trust all trustees of trusts~~ established under the will; ~~(4) the property~~  
24 ~~left by the decedent and its approximate valuation;~~ (5) the approximate  
25 amount and nature of any demands enumerated in K.S.A. 59-1301 and  
26 amendments thereto which were outstanding against the decedent's estate  
27 ~~upon the decedent's death;~~ (4) that the will is being filed with the  
28 district court for the purpose of preserving it for record in the event that  
29 probate proceedings are later ~~required~~ *commenced*; and ~~(7) (5) that a copy~~  
30 of the affidavit and will has been mailed to each heir, legatee and devisee  
31 named in the affidavit.

32 (c) ~~Any will filed pursuant to this section~~ *If an affidavit is filed*  
33 *pursuant to subsection (b) within a period of six months after the death of*  
34 *the testator, the will may be admitted to probate after such six-month*  
35 *period.*

36 Sec. 2. K.S.A. 59-621 and K.S.A. 2011 Supp. 59-618a are hereby

1 repealed.

2       Sec. 3. This act shall take effect and be in force from and after its  
3 publication in the statute book.

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