

SENATE BILL No. 228

By Senator Haley

2-5

AN ACT concerning real property; relating to transfer upon the death of the owner; filing a notification of interest in title by an heir.

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

Section 1. (a) When the appraised value of real property owned by a decedent is not greater than \$15,000 according to the most recent tax appraisal, and the decedent's estate is not subject to homestead or allowances pursuant to K.S.A. 59-401 *et seq.*, and amendments thereto, or such homestead or allowances are waived, any heir, devisee or legatee of the decedent may file a notification of interest in title in the office of the register of deeds in the county where such real property is located. Such notification of interest in title shall be in substantially the form set out in subsection (f) and shall state:

- (1) The decedent's name and the date of death;
 - (2) the address and legal description of such real property owned by the decedent;
 - (3) the name and current address of the heir, devisee or legatee filing the notification;
 - (4) the relationship between the decedent and the heir, devisee or legatee filing the notification;
 - (5) that the taxes on such real property are current and not delinquent;
 - (6) that such real property is free of liens and encumbrances; and
 - (7) that the heir, devisee or legatee filing the notification of interest in title is filing a claim to be the vested owner of such real property.
- (b) A certified copy of the decedent's death certificate shall be attached to such form.
- (c) If after three years from the date of the filing of the notification of interest in title, no other heir, devisee or legatee has petitioned the court in a probate proceeding pursuant to the Kansas probate code, the heir, devisee or legatee who filed the notification of interest in title shall be the legal owner of such real property.
- (d) If at any time during the three-year period, another heir, devisee or legatee petitions the court to establish a probate proceeding, and if during the probate proceeding the court establishes a determination of

1 descent that allows another party to receive a share of such real property,
2 such other party shall be liable to the heir, devisee or legatee filing the
3 notification of interest in title for any taxes paid on such real property
4 and reasonable maintenance and upkeep costs documented and paid by
5 such heir, devisee or legatee.

6 (e) The provisions of this section shall apply only to real property
7 located in Wyandotte county.

8 (f) The notification of interest in title shall be in substantially the
9 following form:

10 STATE OF KANSAS)
11) ss:
12 COUNTY OF WYANDOTTE)

13 **NOTIFICATION OF INTEREST IN TITLE**

14 I, _____, of lawful age, being
15 (heir, devisee or legatee)

16 first duly sworn state:

17 (1) I have attached hereto a certified copy of the decedent's death certificate which
18 states the decedent's name and date of death as:

19 _____
20 (Name of Decedent)

21 _____
22 (Date of Death)

23 (2) The address and legal description of real property owned by decedent for which this
24 notification is filed:

25 _____
26 (3) The name and current address of the heir, devisee or legatee filing the notification:

27 _____
28 (4) The relationship between the decedent and the heir, devisee or legatee filing noti-

29 fication:
30 _____

31 (5) The taxes on such real property are not delinquent and are currently being paid by
32 the heir, devisee or legatee.

33 (6) I am filing notification of interest in title and am filing a claim to be the vested
34 owner of such real property.

35 _____
36 (heir, devisee or legatee)

37 STATE OF KANSAS)
38)ss:
39 COUNTY OF WYANDOTTE)

40 The foregoing instrument was acknowledged before me this _____ day of _____
41 , year _____ by _____

42 SUBSCRIBED AND SWORN to before me on _____
43 _____

(Notary Public)

My Appointment Expires:

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

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