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4 **SENATE BILL No. 30**

5  
6 By Committee on Judiciary

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8 1-12

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10 AN ACT concerning wills; ~~or trusts and other instruments~~; relating to  
11 invalidity of certain provisions, exceptions; amending K.S.A. 59-605  
12 and repealing the existing section.

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

15 Section 1. K.S.A. 59-605 is hereby amended to read as follows: 59-  
16 605. ~~If it shall appear that any will was written or prepared by the sole or~~  
17 ~~principal beneficiary in such will, who, at the time of writing or preparing~~  
18 ~~the same, was the confidential agent or legal adviser of the testator, or~~  
19 ~~who occupied at the time any other position of confidence or trust to such~~  
20 ~~testator, such will shall not be held to be valid unless it shall affirmatively~~  
21 ~~appear that the testator had read or knew the contents of such will, and~~  
22 ~~had independent advice with reference thereto. Any provision in a will~~  
23 ~~or trust, written or prepared for another person, that gives the writer or~~  
24 ~~preparer or the writer's or preparer's parent, children, issue, sibling or~~  
25 ~~spouse any devise or bequest is invalid unless: (a) The writer or preparer~~  
26 ~~is related to the testator or grantor by blood or marriage; or (b) it affir-~~  
27 ~~matively appears that the testator or grantor had read and or knew the~~  
28 ~~content of the will or trust and had independent legal advice with refer-~~  
29 ~~ence thereto. As used in this section, "children" and "issue" shall have the~~  
30 ~~same meaning as provided in K.S.A. 59-501, and amendments thereto.~~

31 New Sec. 2. ~~Any provision in an instrument, other than a will or trust,~~  
32 ~~that benefits a person who prepared, requested or directed the prepara-~~  
33 ~~tion of the instrument or benefits the parent, children, issue, sibling or~~  
34 ~~spouse of the person who prepared, requested or directed the preparation~~  
35 ~~of the instrument is invalid unless: (a) The person who prepared, re-~~  
36 ~~quested or directed the preparation of the instrument is related to the~~  
37 ~~transferor by blood or marriage; or (b) it affirmatively appears that the~~  
38 ~~transferor had read and knew the contents of the instrument and had~~  
39 ~~independent legal advice with reference thereto. As used in this section,~~  
40 ~~"children" and "issue" shall have the same meaning as provided in K.S.A.~~  
41 ~~59-501, and amendments thereto.~~

42 Sec. 3. 2. K.S.A. 59-605 is hereby repealed.

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1       Sec. ~~4.~~ **3.** This act shall take effect and be in force from and after  
2 its publication in the statute book.  
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