

As Amended by House Committee

Session of 2021

HOUSE BILL No. 2125

By Committee on Judiciary

1-25

1 AN ACT concerning the probate code; relating to wills; allowing a will or
2 a copy of a will filed within six months after the death of the testator to
3 be admitted to probate at any time; amending K.S.A. 2020 Supp. 59-
4 618a and repealing the existing section.

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

7 Section 1. K.S.A. 2020 Supp. 59-618a is hereby amended to read as
8 follows: 59-618a. (a) Any person possessing a decedent's will may file in
9 the district court of the county of the decedent's last residence the
10 decedent's will *or a copy of such will* and an affidavit ~~which~~ *that* complies
11 with subsection (b).

12 (b) **(1)** An affidavit filed pursuant to this section shall state: ~~(A)~~**(A)**
13 The name, residence address and date and place of death of the decedent;
14 ~~(B)~~**(B)** the names, addresses and relationships of all the decedent's heirs,
15 legatees and devisees which are known to the affiant after a diligent search
16 and inquiry; ~~(C)~~**(C)** the name and address of any trustee of any trust
17 established under the will; ~~(D)~~**(D)** that the will is being filed with the
18 district court for the purpose of preserving it for record in the event that
19 probate proceedings are later required; and ~~(E)~~**(E)** that a copy of the
20 affidavit and will has been mailed to each heir, legatee and devisee named
21 in the affidavit.

22 **(2) An affidavit filed pursuant to this section on or after July 1,**
23 **2021, shall state whether the original will or a copy of such will is**
24 **being filed with the court.**

25 (c) Any will *or copy of a will* filed pursuant to this section within a
26 period of six months after the death of the testator may be admitted to
27 probate ~~after such six-month period~~ *at any time after such filing subject to*
28 *any other applicable legal defenses to such admission.*

29 Sec. 2. K.S.A. 2020 Supp. 59-618a is hereby repealed.

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