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MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 12, 2024
Subject: Bill Brief on SB 379

SB 379 provides a longer time for notice to creditors by publication when a petition for administration or probate of a will is filed, changes the process for transferring personal property by affidavit in small estates and modifies time requirements for notice by publication related to sales at public auction in the Kansas probate code.

Section 1 amends K.S.A. 59-709, the probate code statute that currently requires every petitioner who files a petition for administration or probate of a will to give notice of the filing to creditors within 10 days after the filing. The bill would require notice within 30 days after the filing, and all other requirements related to the notice would remain the same.

Section 2 amends K.S.A. 59-1507b, the probate code statute that provides the process for transferring personal property by affidavit in small estates. If the total assets of the estate of the decedent subject to probate do not exceed \$75,000 in value, any personal property transferable to the decedent's estate shall be transferred to a person claiming to be a successor of the decedent, or in a manner as directed by the successor, upon such successor furnishing an affidavit showing they are entitled to such transfer. The bill defines "successor" as a person: (1) Entitled to the property by will or by intestate succession; or (2) nominated as a personal representative under the decedent's will.

Section 3 amends K.S.A. 59-2243, the probate code statute that governs the sale of personal property at public auction. Current law requires the personal representative in all sales at public auction to give notice containing a description of the property to be sold, and stating the time, terms and place of sale, by publication once not less than 10 days before the date of sale in a newspaper authorized to publish legal notices of the county where the sale is to be held. The bill would add a provision requiring that if the sale is being held as an auction that takes place over

more than one day, the notice shall be published not less than 10 days before the first day that the auction is open for bidding.

Finally, Section 4 amends K.S.A. 59-2308, the probate code statute that governs the sale of real property at public auction. Current law provides that the date for a sale at public auction shall not be earlier than 10 days and not later than 30 days after the date of the last publication of notice. The bill would add a provision requiring that if the sale is being held as an auction that takes place over more than one day, the first day that the auction is open for bidding shall not be earlier than 10 days and not later than 30 days after the date of the last publication notice.