

**59-808. Estates of nonresident decedents; rights and duties of personal representative; payment of taxes.** (a) The personal representative of a nonresident decedent appointed by a court of this state is entitled to possession of all real and personal property of the decedent within the jurisdiction of this state and, subject to the laws of this state and the orders of such court, is entitled to all the rights the decedent had in that property.

(b) The personal representative shall:

(1) Marshal all the decedent's personal property and shall take possession of it, to be held, administered and finally distributed as provided by law;

(2) pay the taxes and collect the rents and earnings on the property until the estate is settled or until delivered by order of the court to the heirs, devisees and legatees; and

(3) keep in tenable repair the buildings and fixtures under the personal representative's control and may protect them by insurance. The personal representative, alone or with the heirs or devisees, may maintain an action for the possession of the real estate or to quiet title to it. The persons and corporations obligated under (including issuers of) stocks, securities or other instruments such as those described in K.S.A. 59-805 and amendments thereto, and their agents, are prohibited from obstructing in any way such possession or the exercise of such rights by such personal representative. No estate tax or inheritance tax waiver or any other authority or permission of any other state may be required by such persons, corporations or their agents as a condition to the payment or delivery of any money or property due under such instruments or to the transfer, reregistration or reissuance of stock certificates or other securities as ordered by the court.

(c) The court shall not order distribution of any intangible personal property of the decedent, or the proceeds of its sale, to any legatee, devisee or heir of the decedent unless the estate and inheritance taxes attributable to such property, which are properly assessed or assessable by any other state, have been paid, tendered or provided for, and the court so finds and declares in its order of distribution.

**History:** L. 1967, ch. 314, § 5; L. 1985, ch. 191, § 12; L. 2000, ch. 76, § 1; July 1.