

59-3304. Orders of court if informal administration appropriate; bond. (a) Whenever the court finds that an estate can be completely administered under the Kansas informal administration act:

(1) The court shall make the following orders:

(A) For informal administration of the estate; and

(B) assigning, with sufficient particularity to allow their transfer, all assets of the estate, remaining after payment of any family allowances, debts and expenses, to the proper legatees and devisees, if there is an instrument admitted to probate as decedent's last will and testament; to the proper heirs, if pursuant to the law of descent and distribution; or to the proper persons entitled thereto, if pursuant to a valid settlement agreement.

(2) The court may make any of the following orders, if applicable:

(A) For family allowances pursuant to K.S.A. 59-403 and amendments thereto;

(B) for the payment of all unpaid debts, in order of their preference, and all expenses of the informal administration;

(C) designating specific moneys of the estate to be used for payment of the debts and expenses of informal administration and designating the person authorized to pay them;

(D) for release of the nominated fiduciary, if any, from all responsibility and liability;

(E) admitting to probate the decedent's last will and testament, upon proper proof; or

(F) the giving of bond, if appropriate.

(b) (1) The person ordered to pay debts and expenses of informal administration under subsection (a)(2)(C), unless excused by a testamentary instrument, shall file a bond with sufficient sureties in an amount equal to not less than 125% of the amount of money authorized to be used for payment of the debts and expenses of informal administration under subsection (a)(2)(C).

(2) If distribution of the estate, under subsection (a)(1)(B), is ordered before six months from the date of death or before any statute of nonclaims has run, any distributee who receives any property pursuant to that order shall give a redelivery bond with sufficient sureties in the amount of the value of the property assigned to that distributee.

(3) Bonds shall run for a period of time beginning with the date of the court's order and continuing until the running of any statute of nonclaims. The bonds shall be for the benefit of the heirs, devisees, legatees, trustees, creditors and nominated fiduciary, if any.

History: L. 1985, ch. 191, § 4; July 1.