



KANSAS
ASSOCIATION OF
COUNTIES

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Testimony of the Kansas Association of Counties to the
House Committee on Local Government
Neutral Testimony on HB 2600 • February 19, 2020

Mr. Chairman and Members of the Committee:

Thank you for allowing the Kansas Association of Counties to testify regarding HB 2600, which would require all contracts for deeds to be filed with the county register of deeds by the seller within 10 days of the execution of the contract.

KAC understands the issues surrounding the motivation for this bill, and applauds the committee for its desire to address those concerns. However, KAC would make a few suggestions regarding the bill.

First, references to “affidavit of interest” in lines 5 and 8 should be changed to “affidavit of equitable interest.”

Second, either the purchaser or seller should be able to file the contract with the register of deeds, rather than just the seller, as line 7 states.

Finally, the time period of ten days is simply too short. Extending this timeline will be beneficial for two reasons. First, it will ensure that contracts are not made unenforceable simply due to running out of time. Second, it will avoid unnecessary filings if the contract is executed, but then the buyer or seller voids the contract prior to the move in date. These unnecessary filings could also complicate title work later on when trying to determine if there are additional active interests in a property. Allowing for at least a 60 day period for filing allows time for these types of activities without triggering the necessity of filing.

While KAC takes no position on the bill itself, we would ask the committee to carefully consider the comments above if and when it takes action on this bill. Thank you for your time and consideration.

Respectfully,

Jay Hall
Kansas Association of Counties

