

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.

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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) An affidavit filed pursuant to this section shall state: (1) The
13 name, residence address and date and place of death of the decedent; (2)
14 the names, addresses and relationships of all the decedent's heirs, legatees
15 and devisees which are known to the affiant after a diligent search and
16 inquiry; (3) the name and address of any trustee of any trust established
17 under the will; (4) that the will is being filed with the district court for the
18 purpose of preserving it for record in the event that probate proceedings
19 are later required; and (5) that a copy of the affidavit and will has been
20 mailed to each heir, legatee and devisee named in the affidavit.

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

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 K.S.A. 2020 Supp. 59-618a is hereby repealed.

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