

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on **Judiciary** recommends **HB 2130** be amended on page 6, following line 13, by inserting:

"Sec. 7. K.S.A. 59-2209 is hereby amended to read as follows: 59-2209. (a) When notice of hearing is required by any provision of this act by specific reference to this section, such notice shall be published ~~once-a~~ per week for three consecutive weeks in some newspaper of the county authorized by law to publish legal notices. The first publication shall be made within ~~10~~ 30 days after the order fixing the time and place of the hearing and, within seven days after the first published notice, the petitioner shall mail or cause to be mailed, postage prepaid, a copy of the notice to each heir, devisee and legatee or guardian and ward, conservator and conservatee or guardian ad litem, as the case may be, other than the petitioner, whose name and address is known to the petitioner. A copy of the petition, any attachments to it and, when applicable, a copy of the will, accounting and settlement agreement shall be included with the notice, unless excused by court order. The date set for the hearing shall not be earlier than ~~seven~~ days nor later than 14 10 days and not later than 30 days after the date of the last publication of notice.

(b) Whenever notice is mailed to a person residing in a foreign country, such notice shall be mailed by air mail.";

On page 8, following line 11, by inserting:

"Sec. 11. K.S.A. 59-2308 is hereby amended to read as follows: 59-2308. In all sales at public auction the personal representative shall give notice containing a particular description of

the real estate to be sold, and ~~by stating~~ such notice shall state the time, terms and place of sale. The notice shall be given by publication once ~~a~~ per week for three consecutive weeks in some newspaper, authorized to publish legal notices, of the county ~~in which~~ where the real estate is situated. The date set for the sale shall not be earlier than ~~seven days nor later than 14~~ 10 days and not later than 30 days after the date of the last publication of notice. If the tracts to be sold are contiguous and lie in more than one county, notice may be given and the sale made in either of such counties.";

On page 10, following line 13, by inserting:

"Sec. 14. K.S.A. 2022 Supp. 59-3504 is hereby amended to read as follows: 59-3504.

(a) Title to the interest in real estate recorded in transfer-on-death form shall vest in the designated grantee beneficiary or beneficiaries on the death of the record owner.

(b) Grantee beneficiaries of a transfer-on-death deed take the record owner's interest in the real estate at death subject to all conveyances, assignments, contracts, mortgages, liens and security pledges made by the record owner or to which the record owner was subject during the record owner's lifetime including, but not limited to, any executory contract of sale, option to purchase, lease, license, easement, mortgage, deed of trust or lien, claims of the state of Kansas for medical assistance, as defined in K.S.A. 39-702, and amendments thereto, pursuant to K.S.A. 39-709, and amendments thereto, and to any interest conveyed by the record owner that is less than all of the record owner's interest in the property.

(c) (1) Except as provided in subsection (c)(2), if a grantee beneficiary dies prior to the death of the record owner and an alternative grantee beneficiary has not been designated on the deed to succeed to such deceased grantee beneficiary's interest, the transfer, with respect to any such deceased grantee beneficiary, shall lapse.

(2) When the transfer-on-death deed was not made contingent on such grantee

beneficiary surviving the record owner and a deceased grantee beneficiary leaves at least one then-surviving issue of such beneficiary upon the death of the owner when such interest would otherwise have lapsed under subsection (c)(1), the interest in the real estate shall not lapse and shall vest on such record owner's death in the then-surviving issue of the deceased grantee beneficiary on a per stirpes basis as successor grantee or grantees.

(d) Any judicial proceeding initiated by an interested party to determine the succession of ownership of real estate of a deceased record owner pursuant to subsection (c) shall be subject to chapter 59 of the Kansas Statutes Annotated, and amendments thereto, to determine descent.

(e) The amendments made to this section by this act shall apply to deeds filed of record on or after July 1, 2023.";

Also on page 10, in line 14, after "59-1507a," by inserting "59-2209,"; also in line 14, by striking "and" and inserting a comma; also in line 14, after "59-2237" by inserting "and 59-2308"; in line 16, by striking "and" and inserting a comma; also in line 16, after "59-2402a" by inserting "and 59-3504";

And by renumbering sections accordingly;

On page 1, in the title, in line 8, after " judge;" by inserting "adjusting time requirements linked to notice by publication and mailing; relating to hearing dates; sales at public auction; clarifying how property held under a transfer-on-death deed is distributed when one beneficiary predeceases the grantor;"; in line 9, after "59-1507a," by inserting "59-2209,"; also in line 9, by striking "and" and inserting a comma; also in line 9, after "59-2237" by inserting "and 59-2308"; in line 11, by striking the first "and" and inserting a comma; also in line 11, after "59-2402a" by inserting "and 59-3504"; and the bill be passed as amended.

Chairperson