

## 2021 Kansas Statutes

**58-9a-413. Marital deduction property not productive of income.** (a) If a trust received property for which a gift or estate tax marital deduction was allowed and the settlor's spouse holds a mandatory income interest in the trust, the spouse may require the trustee, to the extent the trust assets otherwise do not provide the spouse with sufficient income from or use of the trust assets to qualify for the deduction, to:

- (1) Make property productive of income;
- (2) convert property to property productive of income within a reasonable time; or
- (3) exercise the power to adjust under K.S.A. 2021 Supp. 58-9a-203, and amendments thereto.

(b) The trustee may decide which action or combination of actions in subsection (a) to take.

**History:** L. 2021, ch. 63, § 29; July 1.