

**PROPOSED AMENDMENT
TO K.S.A. 59-1507b**

59-1507b. Transfer of certain personal property to successor, discharge and release, affidavit.

When a resident of the state dies, whether testate or intestate, if the total assets of the estate of the decedent subject to probate do not exceed \$20,000 in value, any personal property ~~in the form of moneys, stock, evidence of indebtedness, interest or right~~ of whatever nature transferable to the decedent's estate by any ~~corporation~~ entity or person shall be transferred to the successor or successors of the decedent, if entitled thereto by will or by intestate succession, without having been granted letters of administration or letters testamentary, upon such successor's or successors' furnishing the ~~corporation~~ entity or person with an affidavit showing entitlement thereto. Transfer of such personal property to the successor or successors shall be deemed to be a transfer to the personal representative of the decedent, and the receipt of the successor or successors shall constitute a full discharge and release from any further claim for such transfer to the same extent as if the transfer had been made to an executor or administrator of the decedent's estate. The affidavit required herein shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council.

Comment

K.S.A. 59-1507b has been available since 1980 as a method of transferring property in small estates by affidavit. It was thought that the statute applied to all personal property. It recently came to the attention of the Committee that motor vehicle titles are not included in the categories of personal property listed. By striking the existing language listing the types of personal property transferable to the decedent's estate and replacing the list with the description "of whatever nature", all personal property (including motor vehicle titles) is included.

Striking the word "corporation" and inserting the word "entity" is intended to include other business entities such as LLC's, trusts, etc.

