

**AFFIDAVIT TRANSFERRING CERTAIN
PERSONAL PROPERTY IN ESTATES UNDER \$40,000
PURSUANT TO K.S.A. 59-1507b**

STATE OF KANSAS)
) ss:
COUNTY OF _____)

_____ (*name of affiant*), being duly sworn states:

(1) On _____ (*date*), _____ (*decedent*)
died *testate* *intestate* at _____ (*location*),
leaving an estate not exceeding \$40,000 in value, and I have attached a certified
copy of the death certificate to this affidavit.

(2) No petition for the appointment of an executor or administrator of the
decedent's estate is pending or has been granted.

(3) All unpaid debts, claims or demands against the decedent or the
decedent's estate and all estate and inheritance taxes due, if any, on the property
transfers involved have been or will be paid.

(4) That the following are the names, ages, relationships and addresses of
the beneficiaries under the decedent's will or heirs of the decedent:

<u>Name</u>	<u>Age</u>	<u>Relationship</u>	<u>Address</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(5) The decedent's estate consists of the following personal property:
(include the proceeds from insurance policies payable to the estate and identify
the policy by number):

<u>Property</u>	<u>Value</u>
_____	_____
_____	_____
_____	_____
_____	_____

(6) Affiant has the right to succeed to the personal property of the decedent and affiant is over 18 years of age and is legally competent in all respects to make this affidavit and to receive the above mentioned personal property, apportioned among the affiant or affiants, if more than one, as follows: _____

Affiant requests that the above mentioned personal property be transferred to the affiant.

(Signature)

SUBSCRIBED AND SWORN to (or affirmed) before me on _____ (date).

Notary Public

**(SEAL)
My Appointment Expires:**

Authority

K.S.A. 53-601; 59-1507b.

Time

Any time after death.

Notes on Use

This affidavit may be used to obtain the transfer, to a decedent's successor in interest, of certain personal property that would be transferrable to the decedent, without obtaining letters of administration or letters testamentary, where the total value of the estate subject to probate does not exceed \$40,000. The transfer is treated as one to the personal representative of the decedent, and the receipt of the transfer operates as a full discharge and release of the transferor.

Comment

Prior to July 1, 2000, K.S.A. 59-1507b consisted of two subsections. Subsection (a) related to only the surviving spouse and subsection (b) related to all successors of the decedent. The 2000 Legislature repealed subsection (a) and raised the limitation from \$10,000 to \$20,000. The 2008 Legislature raised the limitation from \$20,000 to \$40,000.