

# Kansas Judicial Council Bulletin

DECEMBER, 1971

PART 4—FORTY-FIFTH ANNUAL REPORT

## COURT DAYS 1972



SUGGESTED AMENDMENTS TO THE PROBATE CODE

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## FOREWORD

This BULLETIN contains a list of court dates for 1972 in the various district courts of the state of Kansas.

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A brief summary of activities and accomplishments of the Kansas Judicial Council for the past year will follow.

The advisory committee appointed by the Judicial Council in 1970 to study the implications of *Chapin v. Aylward*, 204 Kan. 448, and to make recommendations for legislation, if necessary, to the Judicial Council has completed its work. The matter is presently being considered by the members of the Judicial Council and its recommendations will be forthcoming early in 1972. The members of the advisory committee serving the Council in this connection are: Jack E. Dalton of Dodge City, Chairman and member of the Council; Morris Moon, Augusta; Wilbur H. Jones, Wichita; Hylton Harman, Kansas City; and Robert F. Lytle, Prairie Village.

The advisory committee appointed by the Judicial Council in 1969 to draft jury instructions for use in criminal cases brought under the new criminal code and the code of criminal procedure has completed its work. These instructions will be printed and published in substantially the same manner as PIK-Civil Instructions. The project is presently in the hands of the State Printer. It is anticipated the publication will be released near January 1, 1972. The members of this committee are: Hon. Alex Hotchkiss of Lyndon, Chairman and member of the Council; Hon. David Prager, Vice Chairman, Topeka; Hon. B. Mack Bryant, Wichita; Hon. Albert B. Fletcher, Junction City; Hon. Don Musser, Pittsburg; Hon. Herbert W. Walton, Olathe; Hon. Frederick Wolesslagel, Lyons, and Prof. Earl B. Shurtz, Lawrence.

The advisory committee appointed by the Judicial Council pursuant to a request of the 1970 legislature to study the "feasibility and advisability of limiting, restricting or abolishing governmental immunity by statute" is making progress but to date has not completed its work. It is anticipated the work of this committee will not be completed before the end of 1972. In the meantime an interim report will be made to the legislature. It is anticipated that a full report with recommendations for legislation will be made to the 1973 session of the legislature. The members of this advisory committee are: Marvin Thompson of Russell, Chairman and member of the Council; Wright Crummett, Topeka; John Dekker, Wichita; Patrick F. Kelly, Wichita; David H. Heilman, Council Grove; Donald C. Smith, Dodge City; and Donald Hickman, Arkansas City.

The advisory committee appointed by the Judicial Council in 1969 to revise the July, 1956, Judicial Council Bulletin which published forms on probate practice has continued work on its project throughout the year 1971. Repeated requests from various members of the legal profession to amend the probate code to shorten the time period for administration of estates have been given

consideration by the Council, and as a result the committee has drafted amendments to the probate code. These amendments, as approved by the Judicial Council, together with the comments of Robert H. Cobean are published in this Bulletin. They will be submitted to the 1972 session of the legislature with recommendations of the Judicial Council for their adoption. The completion of the work on probate forms will be held in abeyance until the legislature has had an opportunity to act on the proposed amendments. When this work on probate forms is completed it will be published in a Special Judicial Council Bulletin. Members of this committee are: Robert H. Cobean of Wellington, Chairman and member of the Council; Roy Kirby, Coffeyville; Malcolm G. Copeland, Topeka; Walter G. Stumbo, Topeka; Jon C. Christlieb, Kansas City; and Clifford Holland, Jr., Russell.

Pursuant to House Concurrent Resolution No. 1003 passed by the 1971 session of the legislature the Judicial Council has undertaken a new project and an advisory committee has been appointed to draft a code of procedure for municipal or police courts. This committee has been at work in the year 1971 and is making some progress. The members of the advisory committee are: Bill Honeyman, Topeka, Chairman; James D. Waugh, a member of the Council, Topeka; Basil Marhofer, Ness City; Frank Menghini, Pittsburg; John Gernon, Hiawatha; Ed Larson, Hays; and Charles Wetzler, Prairie Village.

The Judicial Council has appointed a new advisory committee to prepare a book for publication pertaining to the minimum standards for criminal justice. This work is designed to compare the criminal laws and procedure in Kansas with the American Bar Association minimum standards for criminal justice.

The Council also has standing advisory committees designed to keep the code of civil procedure current with amendments to the federal code of civil procedure and with current needs; to keep the new criminal code and code of criminal procedure up to date; and to supplement and keep current PIK-Civil Instructions which have been published.

On July 1, 1971, John M. Jaworsky resigned as the full-time legal research assistant for the Judicial Council, and Randy M. Hearrell was employed to fill the position.

The members of the Judicial Council anticipate a period of intense activity which, it is hoped, will be of benefit to the bar, the judiciary and to the public of the state of Kansas.

## COMMENT ON SUGGESTED AMENDMENTS FOR THE KANSAS PROBATE CODE

In 1939 the Kansas Legislature adopted the then new Kansas Probate Code, which at that time and still is one of the more forward looking Probate Codes in the nation. During the years since 1939, the Kansas Probate Code has been a model for probate code revisions in several of our sister states.

In the Foreword to the First Edition of Bartlett's Kansas Probate Law and Practice, Justice W. W. Harvey, then also Chairman of the Kansas Judicial Council under whose study the Kansas Probate Code came into being, said:

"In the early history of our state our legislature enacted a code of procedure for civil actions in the District Courts, a code of criminal procedure, and a code of procedure for Justice of the Peace Courts, but it did not enact a code of procedure for Probate Courts."

The 1939 Probate Code gave Kansas an excellent Code of Procedure for Probate Courts and as nearly as possible, separated the substantive law from the procedural provisions.

Chief Justice John S. Dawson, in an address to the Bar Association in 1937, said:

"Rules of Law which were announced by Courts of last resort ten or twenty years ago are of debatable soundness today, and in all probability will be discarded altogether ten years hence. It is beside the point that this should not be so. Whether it should or not is debatable. The fact is not debatable."

What Chief Justice Dawson said about Rules of Law announced by Courts is equally true about statutory law, including particularly the code of procedure for Probate Courts.

In recent years there has been a series of events which indicate a need for some amendments in the code of procedure for the Kansas Probate Courts. Some of these events are:

- (1) The promulgation of a "Uniform Probate Code" by the National Conference of Commissioners on Uniform State Laws;
- (2) An ever increasing number of articles, both in Legal and Lay publications, critical of the delay in the administration of estates;
- (3) An increasing number of individual bills offered in recent sessions of the Kansas Legislature to amend various sections of the Code of Procedure for Kansas Probate Courts; and
- (4) PL 91-614 which shortened from 15 months to 9 months the time for the filing of Federal Estate Tax Returns (Form 706) with respect to estates of decedents dying after 1970.

Because of the foregoing events and because the Judicial Council had been the body which originally undertook the drafting of the Kansas Probate Code, the 1970 Legislature instructed the Judicial Council to again study and recommend amendments to update the Probate Code to meet our changing times and conditions. The Judicial Council has determined that the Kansas Probate Code is still a forward looking Probate Code and that a modest few amendments in procedure will meet these changing times and events. Therefore, the Kansas

Judicial Council recommends to the 1972 Kansas Legislature amendments to 20 sections of our Probate Court procedure. These recommended amendments are designed to shorten the period of administration and make possible partial or final distribution of an estate at the earliest possible date consistent with the rights of creditors and stability of title.

The recommended statutory amendments are reported herein so that all interested persons may be acquainted with them before they are submitted to the 1972 Legislature.

ROBERT H. COBEAN,  
Chairman Judicial Council,  
Advisory Committee on the Probate Code.

## ----- BILL No. -----

AN ACT to amend and supplement the Kansas probate code; amending K. S. A. 59-617, 59-618, 59-709, 59-710, 59-803, 59-901, 59-1001, 59-1302, 59-1501, 59-2233, 59-2235, 59-2236, 59-2239, 59-2244, 59-2250, 59-2404 and K. S. A. 1971 Supp. 59-1401, 59-1503, 59-2209 and 59-2292 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

1 Section 1. K. S. A. 59-617 is hereby amended to read as follows:  
2 59-617. No will of a testator who died while a resident of this state  
3 shall be effectual to pass property unless an application is made for  
4 the probate of such will within ~~one year~~ *nine (9) months* after the  
5 death of the testator, except as hereinafter provided.

6 Sec. 2. K. S. A. 59-618 is hereby amended to read as follows:  
7 59-618. Any person who has possession of the will of a testator  
8 dying a resident of this state, or has knowledge of such will and  
9 access to it for the purpose of probate, and knowingly withholds it  
10 from the probate court having jurisdiction to probate it for more  
11 than ~~one year~~ *nine (9) months* after the death of the testator, shall  
12 be barred from all rights under the will and shall be liable for all  
13 damages sustained by such beneficiaries who do not have such  
14 possession of the will and are without such knowledge thereof and  
15 such access thereto; and the said will may be admitted to probate  
16 as to any innocent beneficiary on the application by him for such  
17 probate, if such application is made within ninety (90) days after  
18 he has knowledge of such will and access thereto and within five  
19 (5) years after the death of the testator: *Provided*, The title of any  
20 purchaser in good faith, without knowledge of such will, to any  
21 property derived from the fiduciary, heirs, devisees, or legatees of  
22 the decedent, shall not be defeated by the production of the will  
23 of such decedent and the application for probate thereof after the



1 expiration of ~~one year~~ *nine (9) months* from the death of the  
2 decedent.

3 Sec. 3. K. S. A. 59-709 is hereby amended to read as follows:  
4 59-709. An executor or administrator, except a special administrator,  
5 shall within ~~thirty~~ *ten (10)* days after his appointment and quali-  
6 fication cause notice of his appointment to be published in some  
7 newspaper of the county authorized by law to publish legal notices,  
8 which notice shall be published once a week for three consecutive  
9 weeks. A ~~new~~ *successor* administrator shall give notice of his ap-  
10 pointment in the same manner *only in the event his predecessor*  
11 *had given no notice*. If notice of appointment shall not be published  
12 within the time herein prescribed, the court shall order such notice  
13 to be published; but such order shall not exempt the executor or  
14 administrator or his sureties from liability which they would other-  
15 wise incur by reason of the failure to give notice within the time  
16 herein first prescribed.

17 Sec. 4. K. S. A. 59-710 is hereby amended to read as follows:  
18 59-710. For good cause shown a special administrator may be ap-  
19 pointed pending the appointment of an executor or administrator,  
20 ~~or~~ after appointment of an executor or administrator without re-  
21 moving the executor or administrator, *or pursuant to subsection (2)*  
22 *of K. S. A. 59-2239*. The appointment may be for a specified time,  
23 to perform duties respecting specific property, or to perform par-  
24 ticular acts. The duties of a special administrator shall be stated in  
25 the order of appointment. He may be required to give bond in such  
26 sum as the court shall direct. He shall make such reports as the  
27 court shall direct, and shall account to the court upon the termina-  
28 tion of his authority.

29 Sec. 5. K. S. A. 59-803 is hereby amended to read as follows:  
30 59-803. The title of any purchaser in good faith, without knowledge  
31 of a will, to any real estate situated in this state, derived from the

1 heirs of any person not domiciled in this state at the time of his  
2 death, shall not be defeated by the production of the will of such  
3 decedent unless an application shall be made for the probate of  
4 such will in this state within ~~one year~~ *nine (9) months* from the  
5 death of the testator.

6 Sec. 6. K. S. A. 59-901 is hereby amended to read as follows:  
7 59-901. The estate of an intestate decedent without known heirs  
8 shall be administered in the same manner as the estate of any other  
9 intestate decedent, except as herein otherwise provided. The ad-  
10 ministrator shall as expeditiously as possible, convert the personal  
11 property into money, and collect the rents, income, and profits from  
12 the real estate. If no one claims as heir, devisee, or legatee within  
13 ~~one year~~ *nine (9) months* after the appointment of the adminis-  
14 trator, the administrator shall sell the real estate and close the  
15 estate as other estates are closed and pay the net proceeds of the  
16 estate to the state treasurer.

17 Sec. 7. K. S. A. 59-1001 is hereby amended to read as follows:  
18 59-1001. The property of a partnership dissolved by the death of  
19 any of its members shall be delivered to the surviving partner who  
20 may be disposed to undertake the management thereof agreeably  
21 to the conditions of a bond which he shall give as provided by law.  
22 Upon the giving of such bond he shall with due diligence close the  
23 affairs of the late partnership, apply the property thereof toward the  
24 payment of the partnership debts, render an account upon oath to  
25 the probate court, whenever by it required, of all partnership affairs,  
26 including the property owned by the late firm and the debts due  
27 thereto, as well as what may have been paid by the survivor toward  
28 the partnership debts, and what may still be due and owing there-  
29 for, and pay within ~~one year~~ *nine (9) months from the date of*  
30 *death of the deceased partner*, unless a longer time be allowed by

1 the probate court, to the executor or administrator his proportion  
2 of the net proceeds of the partnership estate.

3 Sec. 8. K. S. A. 59-1302 is hereby amended to read as follows: 59-  
4 1302. If any executor or administrator shall not, within the ~~nine~~ six  
5 (6) months after having given notice of his appointment, have notice  
6 of demands against the estate of the decedent which will authorize  
7 him to represent it insolvent, he may, after the expiration of said  
8 ~~nine~~ six (6) months, proceed to pay the debts and other items due  
9 from the estate, according to their classification; but, prior to the  
10 expiration of said period of ~~nine~~ six (6) months, he shall pay said  
11 debts and other items if ordered to do so by the court, and the  
12 court may require bond or security to be given by the creditor to  
13 refund such part of such payment as may be necessary to make  
14 payment in accordance with this section after the expiration of said  
15 period of ~~nine~~ six (6) months.

16 Sec. 9. K. S. A. 1971 Supp. 59-1401 is hereby amended to read  
17 as follows: 59-1401. The executor or administrator shall have a  
18 right to the possession of all the property of a resident decedent,  
19 except the homestead and allowances to the surviving spouse and  
20 minor children. He shall marshal all tangible personal property  
21 owned by a resident decedent located in the state of Kansas and  
22 all intangible personal property owned by a resident decedent  
23 wherever located, either directly or by ancillary administration, and  
24 shall within ~~one (1) year~~ *nine (9) months* from the date of death  
25 take possession of all tangible personal property located in this  
26 state and all intangible property wherever located, the same to be  
27 held, administered and finally distributed as provided by law: *Pro-*  
28 *vided, however,* That nothing herein shall require an executor or  
29 administrator of a resident decedent to take possession of intangible  
30 personal property being administered in another jurisdiction, if the  
31 court wherein such administration is pending refuses to authorize

1 such delivery of possession. He shall pay the taxes and collect the  
2 rents and earnings thereon until the estate is settled or until deliv-  
3 ered by order of the court to the heirs, devisees, and legatees. He  
4 shall keep in tenantable repair the buildings and fixtures under his  
5 control and may protect the same by insurance. He may by him-  
6 self, or with the heirs or devisees, maintain an action for the posses-  
7 sion of the real estate or to quiet title to the same.

8 Sec. 10. K. S. A. 59-1501 is hereby amended to read as follows:  
9 59-1501. Every executor and administrator shall have ~~one year~~  
10 *nine (9) months* from the date of his appointment for the settlement  
11 of the estate. An administrator *de bonis non* shall have such time,  
12 not exceeding ~~one year~~ *nine (9) months*, as the court may deter-  
13 mine. For cause shown the period herein limited may be extended  
14 by the court, not exceeding ~~one year~~ *nine (9) months* at a time.  
15 The executor or administrator shall not be disqualified thereafter  
16 in any way, unless removed, but he shall not be relieved from any  
17 loss, liability, or penalty incurred by his failure to settle the estate  
18 within the time limited.

19 That in case any executor or administrator shall fail or refuse for  
20 a period of thirty (30) days after the expiration of said ~~one year~~  
21 *nine (9) months* to make such settlement, he may be cited by the  
22 court for the purpose of making such settlement unless the time  
23 therefor has been extended by the court, and all costs connected  
24 with such citation and the hearing thereon shall be assessed against  
25 such executor or administrator, and not against the estate: *Pro-*  
26 *vided*, In the event the return of said citation shows that the exec-  
27 utor or administrator is not within the jurisdiction of said court,  
28 said estate may be closed by the order of the court without a pub-  
29 lication notice when there has been no prosecution thereon for a  
30 period of (5) years. Said estate may be reopened within one (1)  
31 year thereafter upon written application by a direct heir, executor

1 or administrator who shall be charged with the costs thereof.

2 Sec. 11. K. S. A. 1971 Supp. 59-1503 is hereby amended to read  
3 as follows: 59-1503. If ~~upon~~ *at any time prior to final* settlement it  
4 appears that there is sufficient money to satisfy all the demands  
5 against an estate, the executor or administrator may, on order of the  
6 court, make payment of legacies and distribution of shares, except  
7 that specific legacies shall be first satisfied; ~~but:~~ *Provided, however,*  
8 *If any demands are not yet barred or nine (9) months has not ex-*  
9 *pired from the date of death,* no executor or administrator shall be  
10 compelled to pay legacies or make distribution ~~within one year~~  
11 ~~from the date of his qualification~~ unless ordered to do so by  
12 the court ~~not~~ and until bond or security is given by the legatee or  
13 distributee to refund his due proportion of any demand which may  
14 afterward be established against the estate and the cost attending  
15 the recovery thereof, except that upon ~~application~~ *petition* of the  
16 executor or administrator, or upon ~~application~~ *petition* of the a  
17 legatee or distributee, with the approval of ~~such application by~~  
18 the executor or administrator, the court ~~in its discretion~~ may  
19 waive the requirement that bond or security be given by such  
20 legatee or distributee.

21 Sec. 12. K. S. A. 1971 Supp. 59-2209 is hereby amended to read  
22 as follows: 59-2209. When notice of hearing is required by any  
23 provision of this act, by specific reference to this section, such  
24 notice shall be published once a week for three (3) consecutive  
25 weeks in some newspaper of the county authorized by law to pub-  
26 lish legal notices. The first publication shall be had within ten (10)  
27 days after the order fixing the time and place of the hearing; and  
28 within seven (7) days after first published notice the petitioner shall  
29 mail or cause to be mailed a copy of the notice *together with a copy*  
30 *of the petition set for hearing, a copy of the will, if the petition is*  
31 *for probate of the will, or a copy of the accounting, if the petition*

1 *is for final settlement*, to each heir, devisee, and legatee or guardian  
2 and ward or conservator and conservatee, *or guardian ad litem* as  
3 the case may be, other than the petitioner, whose name and address  
4 are known to him. The date set for the hearing shall not be earlier  
5 than seven (7) days nor later than fourteen (14) days after the date  
6 of the ~~last~~ publication of notice.

7 Sec. 13. K. S. A. 59-2233 is hereby amended to read as follows:  
8 59-2233. When a will is admitted to probate the court shall forth-  
9 with transmit to the surviving spouse a certified copy thereof, to-  
10 gether with a copy of ~~sections K. S. A. 59-603 and 59-2233 of the~~  
11 ~~General Statutes of Kansas 1949 as amended~~ *this section* and  
12 certify to such transmittal. If such spouse has consented to the will,  
13 as provided by law, such consent shall control; otherwise such  
14 spouse shall be deemed to have elected to take under the testator's  
15 will unless he shall have filed in the probate court, within ~~six~~ *four*  
16 (4) months after the probate of the will, an instrument in writing  
17 to take by the laws of intestate succession. If said spouse files an  
18 election before the appraisement of the estate is filed, the said  
19 election shall be set aside upon application of the spouse made  
20 within thirty (30) days after the filing of the appraisement. For  
21 good cause shown, the court may permit an election within such  
22 further time as the court may determine, if an application therefor  
23 is made within said period of ~~six~~ *four* (4) months.

24 Sec. 14. K. S. A. 59-2235 is hereby amended to read as follows:  
25 59-2235. After the inventory and appraisement have been filed, the  
26 surviving spouse, or in case there is none, the children, may petition  
27 the court to set apart the homestead, and the personal property al-  
28 lowed in section 21 [59-403]. Such petition shall show the names,  
29 ages, and relationship of the parties, a description of the homestead  
30 claimed and of the personal property selected, and the appraised  
31 value ~~thereof~~ *of personal property selected under K. S. A. 59-403*

(2). The petition may be heard with or without notice. Upon proof of the petition, the court shall set apart such homestead and personal property. The property so set apart shall be delivered by the executor or administrator to the persons entitled thereto, and shall not be treated as assets in his custody, but the title of the homestead shall be included in the final decree of distribution.

Sec. 15. K. S. A. 59-2236 is hereby amended to read as follows: 59-2236. The notice of appointment to be published by an executor or administrator shall be to the creditors, heirs, devisees, legatees, and all others concerned. It shall state the date of appointment and qualification, and shall notify the creditors to exhibit their demands against the estate within ~~nine~~ six (6) months from the date of the first published notice as provided by law, and that if their demands are not thus exhibited they shall be forever barred.

Sec. 16. K. S. A. 59-2239 is hereby amended to read as follows: 59-2239. (1) All demands, including demands of the state, against a decedent's estate, whether due or to become due, whether absolute or contingent, including any demand arising from or out of any statutory liability of decedent or on account of or arising from any liability as surety, guarantor, or indemnitor, and including the individual demands of executors and administrators, not exhibited as required by this act within ~~nine~~ six (6) months after the date of the first published notice to creditors as herein provided, shall be forever barred from payment: *Provided*, That the provisions of the testator's will requiring the payment of a demand exhibited later shall control. No creditor shall have any claim against or lien upon the property of a decedent other than liens existing at the date of his death, unless an executor or administrator of his estate has been appointed within ~~one year~~ nine (9) months after the death of the decedent and such creditor shall have exhibited his demand in the

1 manner and within the time herein prescribed, *except as hereinafter*  
2 *provided.*

3 ~~In any estate in the process of administration at the time~~  
4 ~~of the taking effect of this act in which any executor or ad-~~  
5 ~~ministrator has not been discharged, all demands, including~~  
6 ~~demands of the state, whether due or to become due,~~  
7 ~~whether absolute or contingent, including any demands aris-~~  
8 ~~ing from or out of any statutory liability of decedent or~~  
9 ~~on account of or arising from any liability as surety, guar-~~  
10 ~~antor or indemnitor, and including the individual demands~~  
11 ~~of executors and administrators, not exhibited as required~~  
12 ~~by this act within nine months after the taking effect of~~  
13 ~~this act shall be forever barred from payment by any such~~  
14 ~~executor or administrator unless a provision of a will re-~~  
15 ~~quires payment of any such demand exhibited later. This~~  
16 ~~section applies to both domiciliary and ancillary admin-~~  
17 ~~istration.~~

18 (2) *Nothing in this section shall affect or prevent the enforcement*  
19 *of a claim against the personal representative of a decedent within*  
20 *the period of the statute of limitations provided for an action on*  
21 *such claim. For the purpose of enforcing such claims, the estate*  
22 *of the decedent may be opened or reopened, a special administrator*  
23 *appointed, and suit filed against him within the period of the statute*  
24 *of limitations for such action: Provided, however, That any recovery*  
25 *by the claimant in such action shall not affect the distribution of the*  
26 *assets of the estate of the decedent unless a claim was filed in the*  
27 *probate court within the time allowed for filing claims against the*  
28 *estate under subsection (1) of this section. Such action may be filed*  
29 *in any court of competent jurisdiction and the rules of pleading and*  
30 *procedure in such cases shall be the same as apply in civil actions.*  
31 *Any such special administration shall be closed and the special*



1 administrator promptly discharged when the statute of limitations  
2 for filing such actions has expired and no action has been filed or  
3 upon conclusion of any action filed. All probate court costs incurred  
4 in a proceeding under this subsection shall be taxed to the peti-  
5 tioner.

6 Sec. 17. K. S. A. 59-2244 is hereby amended to read as follows:  
7 59-2244. In all sales of personal property, the court may authorize  
8 credit to be given by the executor or administrator not exceeding  
9 ~~one year~~ nine (9) months from the date of his appointment and  
10 qualification. When such credit is given, notes or bonds with ap-  
11 proved sureties shall be taken by the executor or administrator.

12 Sec. 18. K. S. A. 59-2250 is hereby amended to read as follows:  
13 59-2250. Whenever any person has been dead for more than ~~one~~  
14 ~~year~~ nine (9) months and has left property, or any interest therein,  
15 and no ~~will has been admitted to probate~~ application has been  
16 made for the probate of a will nor administration ~~had~~ commenced  
17 in this state, or in which administration has been had without a  
18 determination of the descent of such property, any person interested  
19 in the estate, or claiming an interest in such property, may petition  
20 the probate court of the county of the decedent's residence, or of  
21 any county wherein real estate of the decedent is situated, to deter-  
22 mine its descent: *Provided*, Nothing in this act shall be construed  
23 to divest district courts of power to determine descent in any proper  
24 proceeding.

25 Sec. 19. K. S. A. 1971 Supp. 59-2292 is hereby amended to read  
26 as follows: 59-2292. The disclaimer instrument shall be filed within  
27 ~~twelve (12)~~ nine (9) months after the death of the decedent or the  
28 donee of the power, as the case may be, or if the taker of the prop-  
29 erty or interest is not then finally ascertained or if his interest has  
30 not become indefeasibly fixed both in quality and in quantity, then  
31 not later than ~~twelve (12)~~ nine (9) months after the event when

1 the taker has become finally ascertained and his interest has become  
2 indefeasibly fixed both in quality and in quantity.

3 Said disclaimer instrument shall be filed and recorded in the pro-  
4 bate court in which the estate of the decedent or the donee of the  
5 power is or may be administered.

6 Sec. 20. K. S. A. 59-2404 is hereby amended to read as follows:  
7 59-2404. Such appeal may be taken by any person aggrieved within  
8 thirty (30) days after the making of such order, judgment, decree, or  
9 decision: *Provided*, ~~That an appeal may be taken within~~  
10 ~~nine months from an order admitting; or refusing to admit,~~  
11 ~~a will to probate.~~ The right of appeal shall not be denied nor  
12 abridged for failure of the party appealing to present his defenses  
13 in the probate court or to appear therein.

14 *New Sec. 21.* The rules of procedure herein prescribed shall  
15 govern all probate proceedings brought after they take effect and  
16 also all further procedure in probate proceedings then pending,  
17 except to the extent that in the opinion of the court their applica-  
18 tion in a particular proceeding when they would take effect would  
19 not be feasible or would work injustice, in which event the former  
20 procedure applies.

21 Sec. 22. K. S. A. 59-617, 59-618, 59-709, 59-710, 59-803, 59-901,  
22 59-1001, 59-1302, 59-1501, 59-2233, 59-2235, 59-2236, 59-2239, 59-  
23 2244, 59-2250, 59-2404 and K. S. A. 1971 Supp. 59-1401, 59-1503, 59-  
24 2209 and 59-2292 are hereby repealed.

25 Sec. 23. This act shall take effect and be in force from and after  
26 its publication in the statute book.

# COURT DAYS IN DISTRICT COURTS—1972

(Please see notes on page 89)

| Counties   | County seat         | Judge   | Clerk                 | No. Jud. Dist. | Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. |
|--|---------------------|---|-----------------------|----------------|------|------|------|------|-----|------|------|------|-------|------|------|------|
| Allen.....<br>Div. No. 1.....<br>Div. No. 2.....<br>Div. No. 3.....    | Iola.....           | Floyd H. Coffman<br>Robert F. Stadler<br>Alex Hotchkiss | Jeanne Smith.....     | 4              | 17c  | 14c  | 20c  | 17c  | 15c | 5c   | 3h   | 7h   | 18c   | 16c  | 20c  | 18c  |
| Anderson.....<br>Div. No. 1.....<br>Div. No. 2.....<br>Div. No. 3..... | Garnett.....        | Floyd H. Coffman<br>Robert F. Stadler<br>Alex Hotchkiss | Robertta Bowman.....  | 4              | 7c   | 4c   | 3c   | 7c   | 5c  | 2c   | 7c   | 4c   | 1c    | 6c   | 3c   | 1c   |
| Atchison.....<br>Div. No. 1.....<br>Div. No. 2.....                    | Atchison.....       | Kenneth Harman<br>James W. Lowry                        | Mary Lou Underwood... | 1              | 3    | 7    | 6    | 3    | 1   | 5    | 3    | 7    | 5     | 2    | 6    | 4    |
| Barber.....<br>Div. No. 1.....<br>Div. No. 2.....<br>Div. No. 3.....   | Medicine Lodge..... | Doyle E. White<br>Charles H. Stewart<br>John A. Potucek | Donna Garten.....     | 19             | 6    | 14   | 14   | 11   | 8   | 6    | 6h   | 1h   | 7     | 9    | 13   | 6    |
| Barton (see note 8).....<br>Div. No. 1.....<br>Div. No. 2.....         | Great Bend.....     | Frederick Woelstelgel<br>Herbert Rhoderer               | Irene Horner.....     | 20             | 5c   | 2c   | 7c   | 5c   | 3c  | 6c   | 7c   | 31c  | 6c    | 4c   | 6c   | 6c   |
| Bourbon (see note 1).....  | Fort Scott.....     | Charles M. Warren.....                                  | Betty O'Dell.....     | 6              | 3    | 2    | 1    | 5    | 8   | 7    | 5    | 2    | 11    | 4    | 1    | 6    |
| Brown.....   | Hawatha.....        | Chester C. Ingels.....                                  | Mildred Davis.....    | 22             | 18   | 22   | 21   | 18   | 16  | 6    | 25   | 29   | 19    | 17   | 21   | 19   |
| Butler.....<br>Div. No. 1.....<br>Div. No. 2.....                      | El Dorado.....      | George S. Reynolds<br>Page W. Benson                    | Virginia Elmore.....  | 13             | 3    | 7    | 6    | 3    | 1   | 12   | 3    | 7    | 11    | 2    | 13   | 8    |

COURT DAYS IN DISTRICT COURTS—1972—CONTINUED  
(Please see notes on page 89)

| Counties                             | County seat       | Judge  | Clerk                  | No. Jud. Dist. | Jan.  | Feb.  | Mar.  | Apr.  | May       | June  | July  | Aug.  | Sept. | Oct.  | Nov.  | Dec.  |
|--------------------------------------|-------------------|--|------------------------|----------------|-------|-------|-------|-------|-----------|-------|-------|-------|-------|-------|-------|-------|
| Chase.....                           | Cottonwood Falls  | Jay Sullivan.....                            | Myrtle Austin.....     | 5              | 31    | 28    | 27    | 24    | 30        | 26    | 31    | 28    | 25    | 30    | 27    | 26    |
| Chautauqua.....                      | Sedan.....        | George S. Reynolds<br>Page W. Benson         | Grace Sears.....       | 13             | 3     | 7     | 13    | 3     | 8         | 5     | 5     | 8     | 5     | 16    | 6     | 4     |
| Cherokee.....                        | Columbus          | Don Musser.....                              | Nina Coldiron.....     | 11             | 3     | 7     | 7     | 3     | 1         | 5     | 10    | 7     | 6     | 2     | 6     | 4     |
| Div. No. 1.....                      | Columbus Div..... | William P. Meek                              | .....                  | .....          | ..... | ..... | ..... | ..... | .....     | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Div. No. 2.....                      | Galena Div.....   | Hal Hyler.....                               | .....                  | 4              | 4     | 8     | 6     | 4     | 2         | 6     | 11    | 8     | 5     | 3     | 8     | 5     |
| Div. No. 3.....                      | .....             | George W. Donaldson                          | .....                  | .....          | ..... | ..... | ..... | ..... | .....     | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Div. No. 4.....                      | .....             | .....  | .....                  | .....          | ..... | ..... | ..... | ..... | .....     | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Cheyenne.....                        | St. Francis.....  | William B. Ryan.....                         | Dorothy Finley.....    | 17             | 3c    | 4c    | 13c   | 5c    | 3c        | 5c    | 10c   | 14c   | 6c    | 3c    | 1c    | 6c    |
| Clark.....                           | Ashland.....      | Ernest M. Vieux.....                         | Betty Wyatt.....       | 16             | 6c    | 22c   | 9c    | 6c    | 4c        | 8c    | 13c   | 3c    | 7c    | 5c    | 9c    | 7c    |
| Clay (see note 5)<br>Div. No. 1..... | Clay Center.....  | .....  | Lucille Murrison.....  | 21             | 5     | 3     | 6     | 5     | 3         | 5     | 6     | 23    | 7     | 4     | 6     | 7     |
| Div. No. 2.....                      | .....             | Lewis L. McLaughlin.<br>Ronald D. Innes..... | .....                  | 13             | 13    | 17    | 6     | 13    | 5         | 5     | 11    | 22    | 13    | 12    | 6     | 6     |
| Cloud.....                           | Concordia.....    | Marvin O. Brummett.....                      | Marguerite Larson..... | 12             | 3c    | 2c    | 1c    | 5c    | 3c        | 7c    | 12c   | 3h    | 5c    | 4c    | 8c    | 6c    |
| Coffey.....                          | Burlington.....   | .....  | Mayree E. White.....   | 4              | 4c    | 3c    | 2c    | 4c    | 4c        | 1c    | 5h    | 1h    | 5c    | 5c    | 1c    | 7c    |
| Div. No. 1.....                      | .....             | Floyd H. Coffman                             | .....                  | .....          | ..... | ..... | ..... | ..... | .....     | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Div. No. 2.....                      | .....             | Robert F. Stadler                            | .....                  | .....          | ..... | ..... | ..... | ..... | .....     | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Div. No. 3.....                      | .....             | Alex Hotchkiss                               | .....                  | .....          | ..... | ..... | ..... | ..... | .....     | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Comanche.....                        | Coldwater.....    | Ernest M. Vieux.....                         | Ellen M. Erwin.....    | 16             | 5c    | 2c    | 8c    | 5c    | 1h<br>15c | 7c    | 12c   | 2c    | 6c    | 4c    | 8c    | 4c    |
| Cowley.....                          | Winfield.....     | .....  | Barbara Gilland.....   | 19             | 10c   | 4     | 15c   | 7     | 5         | 5c    | 7     | 4     | 1     | 2c    | 3     | 1     |
| Div. No. 1.....                      | .....             | Doyle E. White                               | .....                  | .....          | ..... | ..... | ..... | ..... | .....     | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Div. No. 2.....                      | .....             | Charles H. Stewart                           | .....                  | .....          | ..... | ..... | ..... | ..... | .....     | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Div. No. 3.....                      | .....             | John A. Potueck                              | .....                  | .....          | ..... | ..... | ..... | ..... | .....     | ..... | ..... | ..... | ..... | ..... | ..... | ..... |

# COURT DAYS IN DISTRICT COURTS—1972—CONTINUED

(Please see notes on page 89)

| Counties  | County seat  | Judge   | Clerk                   | No. Jud. Dist. | Jan.      | Feb.      | Mar.       | Apr.       | May      | June       | July | Aug. | Sept.      | Oct.      | Nov.       | Dec. |
|---|--|---|-------------------------|----------------|-----------|-----------|------------|------------|----------|------------|------|------|------------|-----------|------------|------|
| Crawford,<br>Div. No. 1.....<br>Div. No. 2.....<br>Div. No. 3.....<br>Div. No. 4..... | Girard.....<br>Girard Div.....<br>Pittsburg Div..... | Don Musser.....<br>William P. Meek.....<br>Hal Hyler.....<br>George W. Donaldson..... | Janice Caruthers.....   | 11             | 7         | 4         | 3          | 7          | 5        | 2          | 7    | 4    | 1          | 6         | 3          | 1    |
| Decatur.....  | Oberlin.....   | William B. Ryan.....  | Alice J. Vernon.....    | 17             | 5c        | 14c       | 15c        | 7c         | 5c       | 7c         | 12c  | 16c  | 7c         | 2c        | 3c         | 7c   |
| Dickinson.....<br>Div. No. 1.....<br>Div. No. 2.....                                  | Abilene.....   | John M. Rugh.....<br>Albert B. Fletcher, Jr.....                                      | Seth Barter, Jr.....    | 8              | 3         | 4         | 20         | 10         | 5        | 1          | 5    | 28   | 11         | 3         | 1          | 1    |
| Doniphan.....   | Troy.....  | Chester C. Ingels.....  | Alice F. Crane.....     | 22             | 19        | 23        | 22         | 19         | 17       | 7          | 26   | 30   | 20         | 18        | 22         | 20   |
| Douglas (see note 2).....   | Lawrence.....  | Frank R. Gray.....  | Lucille E. Allison..... | 7              | 7         | 7         | 3          | 7          | 1        | 2          | 7    | 1    | 8          | 6         | 6          | 1    |
| Edwards (see note 10).....  | Kinsley.....   | Maurice A. Wildgen.....   | Cecil Matthews.....     | 24             | 4a        | 8a<br>14b | 7a         | 4a         | 2a<br>8b | 6a         | 11a  | 8a   | 5a         | 2a<br>24b | 7a         | 5a   |
| Elk.....<br>Div. No. 1.....<br>Div. No. 2.....  | Howard.....  | George S. Reynolds<br>Page W. Benson  | Gertrude Loyd.....      | 13             | 10        | 14        | 20         | 10         | 1        | 5          | 6    | 9    | 18         | 2         | 13         | 11   |
| Ellis.....  | Hays.....  | Benedict P. Cruise.....   | W. J. Billinger.....    | 23             | 24a       | 7a        | 13a<br>27a | 10a<br>24a | 1a       | 12a<br>26a | 10a  | 14a  | 11a<br>25a | 2a        | 13a<br>27a | 11a  |
| Ellsworth (see note 8).<br>Div. No. 1.....<br>Div. No. 2.....                         | Ellsworth.....                                       | Frederick Woelsgel!<br>Herbert Rhoderer   | Helen Katzenmeier.....  | 20             | 25e       | 22c       | 28c        | 25c        | 23c      | 27c        | 5c   | 29c  | 26c        | 24c       | 28c        | 19c  |
| Finney (see note 6).....  | Garden City.....                                     | Bert J. Vance.....  | Ross Murray.....        | 25             | 10c       | 17c       | 7c         | 11c        | 8c       | 9c         | 12c  | 16c  | 18c        | 20c       | 17c        | 15c  |
| Ford.....   | Dodge City.....                                      | Ernest M. Vieux.....  | Genevieve Fredlake..... | 16             | 7c<br>17c | 4c        | 10c        | 7c<br>17c  | 5c       | 9c         | 14c  | 4c   | 8c<br>17c  | 6c        | 10c        | 8c   |

# COURT DAYS IN DISTRICT COURTS—1972—CONTINUED

(Please see notes on page 89)

| Counties   | County seat        | Judge   | Clerk                  | No. Jud. Dist. | Jan.      | Feb.       | Mar.      | Apr.      | May       | June      | July      | Aug. | Sept.     | Oct.      | Nov.       | Dec.      |
|--|--------------------|---|------------------------|----------------|-----------|------------|-----------|-----------|-----------|-----------|-----------|------|-----------|-----------|------------|-----------|
| Franklin.....<br>Div. No. 1.....<br>Div. No. 2.....<br>Div. No. 3..... | Ottawa.....        | Floyd H. Coffman<br>Robert F. Stadler<br>Alex Hotchkiss | Ruby Sanford.....      | 4              | 10c       | 18c        | 17c       | 10c       | 12c       | 9c        | 7h        | 4h   | 11c       | 13c       | 10c        | 8c        |
| Geary.....<br>Div. No. 1.....<br>Div. No. 2.....                       | Junction City..... | John M. Rugh<br>Albert B. Fletcher, Jr.                 | Edward C. Verbeke..... | 8              | 24        | 14         | 6         | 24        | 4         | 5         | 6         | 29   | 12        | 4         | 13         | 11        |
| Gove.....  | Gove.....          | Benedict P. Cruise.....                                 | Mabel Pagan.....       | 23             | 20a       | 15a        | 20a       | 12a       | 9a        | 10a       | 11f       | 15f  | 13a       | 10a       | 20a        | 13a       |
| Graham.....  | Hill City.....     | C. E. Birney.....                                       | Margaret A. Hildebrand | 15             | 3         | 7          | 6         | 6         | 8         | 5         | 3         | 7    | 18        | 6         | 3          | 4         |
| Grant (see note 7).....  | Ulysses.....       | Keaton G. Duckworth.....                                | Edna M. Walker.....    | 26             | 5h        | 1h         | 6h        | 10c       | 1h        | 5h        | 3h        | 1h   | 1h        | 3h        | 6h         | 4c        |
| Gray.....  | Cimarron.....      | Ernest M. Vieux.....                                    | Grace Cunningham.....  | 16             | 4c        | 1c         | 7c        | 2c        | 2c        | 6c        | 11c       | 1c   | 5c        | 3c        | 13c        | 5c        |
| Greeley (see note 6).....  | Tribune.....       | Bert J. Vance.....                                      | Margaret L. Pile.....  | 25             | 3e        | 28e        | 6e        | 10e       | 15e       | 19e       | 10e       | 14e  | 25e       | 16e       | 13e        | 18e       |
| Greenwood.....<br>Div. No. 1.....<br>Div. No. 2.....                   | Eureka.....        | George S. Reynolds<br>Page W. Benson                    | Martha Stice.....      | 13             | 17        | 22         | 20        | 17        | 15        | 12        | 7         | 10   | 11        | 10        | 20         | 4         |
| Hamilton (see note 6).....   | Syracuse.....      | Bert J. Vance.....                                      | Ruth Noggle.....       | 25             | 3f        | 28f        | 13f       | 10f       | 15f       | 19f       | 10f       | 14f  | 25f       | 16f       | 13f        | 18f       |
| Harper.....<br>Div. No. 1.....<br>Div. No. 2.....<br>Div. No. 3.....   | Anthony.....       | Doyle E. White<br>Charles H. Stewart<br>John A. Potuck  | Olive L. Ghormley..... | 19             | 5         | 7          | 13        | 10        | 1         | 5         | 6c        | 1c   | 6         | 17        | 6          | 5         |
| Harvey.....  | Newton.....        | Sam H. Strum.....                                       | Joe Fox.....           | 9              | 6b<br>20b | 14b<br>24b | 9b<br>23b | 6b<br>20b | 8b<br>25b | 8b<br>22b | 6b<br>20b | 3b   | 7b<br>21b | 5b<br>19b | 13b<br>30b | 7b<br>14b |
| Haskell (see note 7).....  | Sublette.....      | Keaton G. Duckworth.....                                | Georgia McNabb.....    | 26             | 5c        | 1c         | 19c       | 4c        | 2c        | 6c        | 5c        | 2c   | 18c       | 3c        | 7c         | 12c       |
| Hodgeman (see note 10).....  | Jetmore.....       | Maurice A. Wildgen.....                                 | Agnes C. Gleason.....  | 24             | 4g<br>28b | 8g<br>28b  | 7g        | 4g        | 2g<br>22b | 6g        | 11g       | 8g   | 5g        | 3g        | 13b        | 5g        |

COURT DAYS IN DISTRICT COURTS—1972—CONTINUED  
(Please see notes on page 89)

| Counties                | County seat      | Judge   | Clerk                    | No.<br>Jud.<br>Dist. | Jan.  | Feb.  | Mar.  | Apr.  | May   | June  | July  | Aug.  | Sept. | Oct.      | Nov.  | Dec.  |
|-------------------------|------------------|---|--------------------------|----------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-----------|-------|-------|
| Jackson.....            | Holton.....      | John W. Brookens.....   | George Dunlap.....       | 2                    | 10    | 9     | 8     | 5     | 1     | 7     | 5     | 2     | 13    | 2         | 8     | 6     |
| Jefferson.....          | Oskaloosa.....   | John W. Brookens.....   | Mary Schiller.....       | 2                    | 11    | 8     | 6     | 4     | 2     | 5     | 3     | 1     | 12    | 3         | 6     | 5     |
| Jewell.....             | Mankato.....     | Marvin O. Brummett.....   | Eva Myers.....           | 12                   | 4c    | 1c    | 2c    | 3c    | 2h    | 6c    | 13c   | 3c    | 6c    | 16c       | 7c    | 11c   |
| Johnson.....            | Olathe.....      | Herbert W. Walton.....<br>Harold L. Hammond<br>Raymond H. Carr<br>Harold R. Riggs<br>Phillip L. Woodworth | Hazel J. Mueller         | 10                   | 3     | 7     | 6     | 3     | 1     | 5     | 5     | 7     | 5     | 2         | 6     | 4     |
| Kearney (see note 6)... | Lakin.....       | Bert J. Vance.....  | Elizabeth Williams.....  | 25                   | 3h    | 28h   | 13h   | 10h   | 15h   | 19h   | 10h   | 14h   | 25h   | 16h       | 13h   | 18h   |
| Kingman.....            | Kingman.....     | Doyle E. White<br>Charles H. Stewart<br>John A. Potueck   | Janis McIlrath.....      | 19                   | 24    | 16    | 16    | 24    | 10    | 8     | 7h    | 2h    | 25    | 19        | 15    | 4     |
| Kiowa.....              | Greensburg.....  | Ernest M. Vieux.....  | Billie M. Huckriede..... | 16                   | 5h    | 2h    | 8h    | 5h    | 1c    | 7h    | 12h   | 2h    | 6h    | 4h<br>10c | 8h    | 4h    |
| Labette (see note 3)... | Oswego.....      | Don Musser.....   | Virginia Beatty.....     | 11                   | 7     | 1     | 10    | 11    | 5     | 9     | 26    | 23    | 8     | 3         | 3     | 8     |
| Div. No. 1.....         | Oswego Div.....  | William P. Meek   | .....                    | 21                   | 21    | 18    | 24    | 21    | 19    | 23    | ..... | ..... | 22    | 20        | 17    | 29    |
| Div. No. 2.....         | .....            | Hal Hyler   | .....                    | .....                | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | .....     | ..... | ..... |
| Div. No. 3.....         | .....            | George W. Donaldson.....  | .....                    | .....                | 10    | 7     | 7     | 17    | 2     | 5     | 27    | 24    | 11    | 16        | 7     | 11    |
| Div. No. 4.....         | Parsons Div..... | .....   | .....                    | .....                | ..... | ..... | ..... | ..... | 15    | ..... | 28    | 25    | ..... | 20        | ..... | ..... |
| Lane (see note 10)..... | Dighton.....     | Maurice A. Wildgen.....   | Eva Cramer.....          | 24                   | 5g    | 9g    | 20b   | 5g    | 3g    | 7g    | 12g   | 9g    | 6g    | 4g        | 20b   | 6g    |

# COURT DAYS IN DISTRICT COURTS—1972—CONTINUED

(Please see notes on page 89)

| Counties   | County seat  | Judge                                   | Clerk             | No.<br>Jud.<br>Dist. | Jan.       | Feb.      | Mar.       | Apr.      | May        | June      | July      | Aug.        | Sept.     | Oct.      | Nov.      | Dec.      |
|--|--------------|---|-------------------|----------------------|------------|-----------|------------|-----------|------------|-----------|-----------|-------------|-----------|-----------|-----------|-----------|
| Leavenworth,<br>Div. No. 1,<br>Div. No. 2,           | Leavenworth  | Kenneth Harmon<br>James W. Lowry        | Mary Kate Gausz   | 1                    | 7          | 4         | 3          | 7         | 5          | 2         | 7         | 4           | 1         | 6         | 3         | 1         |
| Lincoln  | Lincoln      | Marvin O. Brummett                      | Jennie Panzer     | 12                   | 5c         | 7c        | 3c         | 4c        | 4c         | 8c        | 10c       | 2c          | 7c        | 3c        | 20c       | 4c        |
| Linn (see note 1)                                    | Mound City   | Charles M. Warren                       | Ferne Bearly      | 6                    | 6          | 3         | 2          | 3         | 4          | 1         | 10        | 3           | 7         | 5         | 2         | 4         |
| Logan  | Oakley       | Benedict P. Cruise                      | H. Belle Selley   | 23                   | 3a         | 16a       | 14a        | 3a        | 10a        | 13a       | 12a       | 16a         | 5a        | 11a       | 14a       | 14a       |
| Lyon   | Emporia      | Jay Sullivan                            | Alice M. Long     | 5                    | 26         | 23        | 29         | 26        | 31         | 28        | 26        | 30          | 27        | 25        | 29        | 27        |
| Marion<br>Div. No. 1,<br>Div. No. 2,                 | Marion       | John M. Rugh<br>Albert B. Fletcher, Jr. | Geraldine Seibel  | 8                    | 10         | 7         | 27         | 17        | 1          | 12        | 7         | 30          | 13        | 2         | 2         | 5         |
| Marshall (see note 5)<br>Div. No. 1,<br>Div. No. 2,  | Marysville   | Lewis L. McLaughlin<br>Ronald D. Innes  | Wilma Jean Blaser | 21                   | 3          | 2         | 8          | 3         | 5          | 7         | 5         | 24          | 5         | 6         | 8         | 6         |
| McPherson  | McPherson    | Sam H. Sturm                            | Alma Bretches     | 9                    | 10b<br>21b | 4b<br>26b | 10b<br>24b | 3b<br>21b | 12b<br>26b | 9b<br>23b | 7b<br>21b | 4b<br>..... | 8b<br>22b | 3b<br>20b | 3b<br>17b | 1b<br>15b |
| Meade  | Meade        | Ernest M. Vieux                         | Edyth Cooper      | 16                   | 4h         | 1h        | 7h         | 4h        | 2h         | 6h        | 11h       | 1h          | 5h        | 3h        | 7h        | 5h        |
| Miami (see note 1)                                   | Paola        | Charles M. Warren                       | Zora Winkler      | 6                    | 4          | 7         | 7          | 4         | 2          | 5         | 11        | 1           | 5         | 2         | 7         | 5         |
| Mitchell   | Beloit       | Marvin O. Brummett                      | Neva Wagner       | 12                   | 5h         | 3c        | 6c         | 6c        | 2c         | 9c        | 10h       | 2h          | 8c        | 5c        | 6c        | 8c        |
| Montgomery<br>Independence Div.,<br>Coffeyville Div. | Independence | David H. Scott                          | Bessie Scofield   | 14                   | 6          | 3         | 2          | 6         | 4          | 1         | 6         | 3           | 7         | 5         | 2         | 7         |
|  |              |   |                   |                      | 7          | 4         | 3          | 7         | 5          | 2         | 7         | 4           | 1         | 6         | 3         | 8         |



# COURT DAYS IN DISTRICT COURTS—1972—CONTINUED

(Please see notes on page 89.)

| Counties  | County seat                       | Judge  | Clerk           | No.<br>Jud.<br>Dist. | Jan.      | Feb. | Mar. | Apr.      | May | June | July | Aug. | Sept.     | Oct.      | Nov. | Dec. |
|---|-----------------------------------|--|-----------------|----------------------|-----------|------|------|-----------|-----|------|------|------|-----------|-----------|------|------|
| Morris, No. 1<br>Div. No. 2                             | Council Grove                     | John M. Rugh<br>Albert B. Fletcher, Jr.                            | Marie Berkert   | 8                    | 17        | 28   | 13   | 3         | 2   | 2    | 10   | 31   | 14        | 5         | 3    | 4    |
| Morton (see note 7)                                     | Elkhart                           | Keaton G. Duckworth  | Verda Mae Allen | 26                   | 4h        | 14c  | 7c   | 3h        | 3c  | 7c   | 6c   | 3c   | 5c        | 2h        | 8c   | 11h  |
| Nemaha  | Seneca                            | Chester C. Ingels  | Ruth Shaffer    | 22                   | 17        | 24   | 20   | 17        | 15  | 5    | 24   | 28   | 18        | 16        | 20   | 18   |
| Neosho, No. 1<br>Div. No. 2<br>Div. No. 3<br>Div. No. 4 | Erie<br>Erie Div.<br>Chautau Div. | Don Messer<br>William P. Meek<br>Hal Hyslop<br>George W. Donaldson | Virginia Embury | 11                   | 5         | 2    | 14   | 5         | 3   | 7    | 5    | 30   | 6         | 11        | 8    | 6    |
| Ness (see note 10)                                      | Ness City                         | Maurice A. Wildgen   | Opal Burdett    | 24                   | 5a        | 9a   | 12b  | 5a        | 3a  | 7a   | 12a  | 9a   | 6a<br>11b | 4a        | 8a   | 6a   |
| Norton  | Norton                            | William B. Ryan  | Elsie Brault    | 17                   | 6c        | 8c   | 20c  | 10c       | 2c  | 8c   | 13c  | 18c  | 8c        | 16c       | 8c   | 8c   |
| Ossage, No. 1<br>Div. No. 2<br>Div. No. 3               | Lyndon                            | Floyd H. Coffman<br>Robert F. Stadler<br>Alex Hochstet             | Margaret Knight | 4                    | 5c        | 2c   | 7c   | 5c        | 3c  | 6c   | 5c   | 1c   | 7c        | 4c        | 7c   | 6c   |
| Osborne   | Osborne                           | William B. Ryan  | Irene Lafoon    | 17                   | 11c       | 3c   | 21c  | 11c       | 1c  | 13c  | 14c  | 17c  | 13c       | 6c        | 7c   | 4c   |
| Ottawa, No. 1<br>Div. No. 2                             | Minneapolis                       | Morris V. Hoobler<br>Raymond E. Haggart                            | Ester Plunkett  | 28                   | 11        | 8    | 14   | 11        | 9   | 13   | 11   | 8    | 12        | 10        | 14   | 12   |
| Pawnee (see note 10)                                    | Larned                            | Maurice A. Wildgen   | Lois Miller     | 24                   | 3g<br>24b | 7g   | 6g   | 3g<br>10b | 1g  | 5g   | 10g  | 7g   | 7g        | 2g<br>10b | 6g   | 4g   |

# COURT DAYS IN DISTRICT COURTS—1972—CONTINUED

(Please see notes on page 89)

| Counties                  | County seat       | Judge                    | Clerk                 | No.<br>Jud.<br>Dist. | Jan.      | Feb. | Mar.      | Apr. | May | June | July | Aug. | Sept.     | Oct. | Nov. | Dec. |
|---------------------------|-------------------|--------------------------|-----------------------|----------------------|-----------|------|-----------|------|-----|------|------|------|-----------|------|------|------|
| Phillips.....             | Phillipsburg..... | William B. Ryan.....     | Evelyn M. Parker..... | 17                   | 7c        | 1c   | 16c       | 3c   | 8c  | 9c   | 17c  | 21c  | 14c       | 5c   | 6c   | 11c  |
| Pottawatomie.....         | Westmoreland....  | John W. Brokens.....     | Deane L. Arnold.....  | 2                    | 13        | 10   | 9         | 3    | 4   | 8    | 6    | 3    | 11        | 5    | 9    | 4    |
| Pratt.....                | Pratt.....        | Doyle E. White.....      | Betty Onstott.....    | 19                   | 17        | 15   | 15        | 17   | 9   | 7    | 7c   | 2c   | 8         | 16   | 14   | 7    |
| Div. No. 1.....           |                   | Charles H. Stewart.....  |                       |                      |           |      |           |      |     |      |      |      |           |      |      |      |
| Div. No. 2.....           |                   | John A. Potack.....      |                       |                      |           |      |           |      |     |      |      |      |           |      |      |      |
| Div. No. 3.....           |                   |                          |                       |                      |           |      |           |      |     |      |      |      |           |      |      |      |
| Rawlins.....              | Atwood.....       | William B. Ryan.....     | Bessie Peterson.....  | 17                   | 4c        | 7c   | 14c       | 6c   | 4c  | 6c   | 11c  | 15c  | 11c       | 4c   | 2c   | 5c   |
| Reno.....                 | Hutchison.....    |                          | George Walter.....    | 27                   |           |      |           |      |     |      |      |      |           |      |      |      |
| Div. No. 1.....           |                   | William A. Gossage.....  |                       |                      | 7         | 4    | 3         | 7    | 5   | 2    | 7    | 4    | 1         | 6    | 3    | 1    |
| Div. No. 2.....           |                   | James H. Rexroad.....    |                       |                      | 21        | 18   | 17        | 21   | 19  | 16   | 21   | 18   | 15        | 20   | 17   | 15   |
|                           |                   |                          |                       |                      | 14        | 11   | 10        | 14   | 12  | 9    | 14   | 11   | 8         | 13   | 10   | 8    |
|                           |                   |                          |                       |                      | 28        | 25   | 24        | 28   | 25  | 23   | 28   | 25   | 22        | 27   | 24   | 22   |
| Republic.....             | Belleville.....   | Marvin O. Brummett.....  | Earl J. Baldrige..... | 12                   | 6c        | 4c   | 7c        | 7h   | 1c  | 6h   | 14c  | 1h   | 6h        | 2c   | 10c  | 7c   |
| Rice (see note 8).....    | Lyons.....        | Frederick Wolschlag..... | Laura Saint.....      | 20                   | 4c        | 7c   | 6c        | 4c   | 1c  | 5c   | 6h   | 30h  | 5c        | 2c   | 7c   | 4c   |
| Div. No. 1.....           |                   | Herbert Rhoder.....      |                       |                      |           |      |           |      |     |      |      |      |           |      |      |      |
| Div. No. 2.....           |                   |                          |                       |                      |           |      |           |      |     |      |      |      |           |      |      |      |
| Riley (see note 5).....   | Manhattan.....    | Lewis L. McLaughlin..... | Joseph F. Musil.....  | 21                   | 7         | 7    | 10        | 7    | 1   | 9    | 7    | 25   | 8         | 2    | 10   | 8    |
| Div. No. 1.....           |                   | Ronald D. Innes.....     |                       |                      | 17        | 7    | 13        | 10   | 1   | 12   | 10   | 21   | 11        | 2    | 13   | 4    |
| Div. No. 2.....           |                   |                          |                       |                      |           |      |           |      |     |      |      |      |           |      |      |      |
| Rooks.....                | Stockton.....     | C. E. Birney.....        | Nadine Desbien.....   | 15                   | 10        | 1    | 1         | 5    | 1   | 2    | 7    | 1    | 5         | 3    | 1    | 1    |
| Rush (see note 10).....   | La Crosse.....    | Maurice A. Wilgen.....   | Clara Humburg.....    | 24                   | 3a<br>10b | 7a   | 7a<br>27b | 3a   | 1a  | 5a   | 10a  | 7a   | 7a<br>25b | 2a   | 6a   | 4a   |
| Russell (see note 8)..... | Russell.....      | Frederick Wolschlag..... | Vivian Miller.....    | 20                   | 24c       | 28c  | 27c       | 24c  | 24c | 26c  | 5h   | 29h  | 25c       | 25c  | 27c  | 18c  |
| Div. No. 1.....           |                   | Herbert Rhoder.....      |                       |                      |           |      |           |      |     |      |      |      |           |      |      |      |
| Div. No. 2.....           |                   |                          |                       |                      |           |      |           |      |     |      |      |      |           |      |      |      |

# COURT DAYS IN DISTRICT COURTS—1972—CONTINUED

(Please see notes on page 89)

| Counties                             | County seat       | Judge  | Clerk                       | No. Jud. Dist. | Jan.         | Feb.    | Mar.    | Apr.    | May     | June     | July    | Aug.    | Sept.   | Oct.    | Nov.    | Dec.    |
|--------------------------------------|-------------------|--|-----------------------------|----------------|--------------|---------|---------|---------|---------|----------|---------|---------|---------|---------|---------|---------|
| Saline<br>Div. No. 1.<br>Div. No. 2. | Salina.....       | Morris V. Hoobler.....<br>Raymond E. Haggart.....  | Betty J. Just.....          | 28             | 4            | 1       | 7<br>14 | 4       | 2       | 6        | 5       | 1       | 5<br>12 | 3       | 7       | 5       |
| Scott (see note 6).....              | Scott City.....   | Bert J. Vance.....   | Eva King Smith.....         | 25             | 4b           | 18b     | 6b      | 17c     | 22b     | 5b       | 17b     | 15b     | 19b     | 16b     | 20b     | 18b     |
| Sedgewick.....                       | Wichita.....      | William C. Kandt.....<br>Howard C. Kline.....<br>B. Mack Bryant.....<br>Div. No. 3.<br>Div. No. 4.<br>Div. No. 5.<br>Div. No. 6.<br>Div. No. 7.<br>Div. No. 8. | Dorothy I. Van Arsdale..... | 18             | (see note 4) |         |         |         |         |          |         |         |         |         |         |         |
| Seward (see note 7).....             | Liberal.....      | Keaton G. Duckworth.....   | Pauline F. Strickland.....  | 26             | 10c          | 4c      | 3c      | 17c     | 5c      | 2c       | 7c      | 4c      | 8c      | 9c      | 3c      | 1c      |
| Shawnee<br>Div. No. 1.               | Topeka.....       | William Randolph Carpenter.....  | Lucille M. Carter.....      | 3              | 21           | 18      | 17      | 14      | 12      | 9        | 7       | 4       | 1       | 27      | 23      | 22      |
| Div. No. 2.                          |                   | Michael A. Barbara.....  |                             |                | 28           | 25      | 24      | 21      | 19      | 16       | 14      | 11      | 8       | 6       | 3       | 1       |
| Div. No. 3.                          |                   | E. Newton Vickers.....   |                             |                | 7            | 14      | 3       | 28      | 26      | 23       | 21      | 18      | 15      | 13      | 10      | 8       |
| Div. No. 4.                          |                   | Adrian Allen.....  |                             |                | 14           | 11      | 10      | 7       | 5       | 2        | 28      | 25      | 22      | 20      | 17      | 15      |
| Sheridan.....                        | Hoxie.....        | C. E. Birney.....  | Vergie Wente.....           | 15             | 4            | 23      | 2       | 4       | 15      | 6        | 5       | 2       | 6       | 2       | 2       | 5       |
| Sherman.....                         | Goodland.....     | C. E. Birney.....  | Viva Peter.....             | 15             | 6<br>20      | 3<br>17 | 7<br>21 | 3<br>18 | 2<br>16 | 12<br>27 | 6<br>20 | 4<br>17 | 8<br>21 | 5<br>19 | 7<br>20 | 7<br>21 |
| Smith.....                           | Smith Center..... | William B. Ryan.....   | Florence Vincent.....       | 17             | 10c          | 2c      | 17c     | 17c     | 9c      | 12c      | 13c     | 22c     | 12c     | 9c      | 20c     | 12c     |
| Stafford (see note 8).....           | St. John.....     | Frederick Wofeslagel.....<br>Herbert Rhoades.....  | Arlene E. McCandless.....   | 20             | 3c           | 1c      | 1c      | 3c      | 2c      | 7c       | 6c      | 30c     | 11c     | 3c      | 1c      | 5c      |

# COURT DAYS IN DISTRICT COURTS—1972—CONCLUDED (Please see notes on page 89)

| Counties  | County seat    | Judge  | Clerk              | No. Jud. Dist. | Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. |
|---|----------------|--|--------------------|----------------|------|------|------|------|-----|------|------|------|-------|------|------|------|
| Stanton (see note 7)...   | Johnson        | Keaton G. Duckworth  | Marjorie Newton    | 26             | 4c   | 28c  | 6c   | 3c   | 1c  | 5c   | 3c   | 1c   | 11c   | 2c   | 6c   | 11c  |
| Stevens (see note 7)...   | Hugoton        | Keaton G. Duckworth  | John F. Fulkerson  | 26             | 24c  | 2c   | 27c  | 4h   | 2h  | 6h   | 5h   | 2h   | 1h    | 24c  | 7h   | 12h  |
| Sunmer...<br>Div. No. 1...<br>Div. No. 2...<br>Div. No. 3...  | Wellington     | Doyle E. White<br>Charles H. Stewart<br>John A. Potueek  | Mary E. Carter     | 19             | 11   | 1    | 7    | 4    | 9   | 6    | 11   | 1    | 12    | 3    | 7    | 5    |
| Thomas  | Colby          | C. E. Birney   | Thelma Livingstone | 15             | 5    | 2    | 20   | 7    | 22  | 1    | 10   | 3    | 7     | 4    | 6    | 6    |
| Trego   | Wakeney        | Benedict P. Cruise   | Virginia Webb      | 23             | 25a  | 14a  | 6a   | 11a  | 8a  | 5a   | 11a  | 15a  | 12a   | 9a   | 6a   | 12a  |
| Wabamunsee  | Alma           | John W. Brooks   | Mary E. Tolbert    | 2              | 14   | 7    | 10   | 7    | 15  | 9    | 7    | 4    | 15    | 16   | 10   | 8    |
| Wallace   | Sharon Springs | Benedict P. Cruise   | Evelyn A. Warren   | 23             | 17a  | 16f  | 14f  | 17a  | 10f | 13f  | 12f  | 16f  | 18a   | 11f  | 14f  | 14f  |
| Washington  | Washington     | Marvin O. Brummett   | Lois Acree         | 12             | 7c   | 8c   | 8c   | 7c   | 5c  | 5c   | 11c  | 1c   | 18c   | 6c   | 9c   | 5c   |
| Wichita (see note 6)...   | Leoti          | Bert J. Vance  | Margie Ames        | 25             | 3e   | 28e  | 13e  | 10e  | 15e | 19e  | 10e  | 14e  | 25e   | 16e  | 13e  | 11c  |
| Wilson...<br>Div. No. 1...<br>Div. No. 2...<br>Div. No. 3...<br>Div. No. 4...                               | Fredonia       | Don Musser<br>William P. Meek<br>Hal Hyler<br>George W. Donaldson                                    | Leslie York        | 11             | 4    | 3    | 16   | 4    | 4   | 8    | 6    | 31   | 5     | 12   | 9    | 7    |
| Woodson...<br>Div. No. 1...<br>Div. No. 2...<br>Div. No. 3...<br>Div. No. 4...                              | Yates Center   | Floyd H. Coffman<br>Robert F. Stadler<br>Alex Hofeklass  | Arlene Brooks      | 4              | 18c  | 15c  | 21c  | 18c  | 16c | 6c   | 3c   | 7c   | 19c   | 17c  | 21c  | 19c  |
| Wyandotte (see note 9)<br>Div. No. 1...<br>Div. No. 2...<br>Div. No. 3...<br>Div. No. 4...<br>Div. No. 5... | Kansas City    | O. Q. Claflin III.<br>William J. Burns<br>Harry G. Miller, Jr.<br>Joe H. Swinehart<br>Leo J. Moroney | Richard D. Shannon | 29             | 7    | 4    | 10   | 14   | 10  | 23   | 23   | 2    | 8     | 6    | 10   | 15   |
|   |                |  |                    |                | 14   | 18   | 24   | 28   | 26  | 30   | 2    | 15   | 20    | 13   | 17   | 23   |
|   |                |  |                    |                | 21   | 25   | 31   | 28   | 5   | 9    | 2    | 22   | 25    | 15   | 20   | 26   |
|   |                |  |                    |                | 28   | 28   | 3    | 7    | 12  | 10   | 1    | 29   | 27    | 27   | 3    | 8    |

Italicized dates indicate the first day of the regular term of court—a. 9:00 a. m.; b. 9:30 a. m.; c. 10:00 a. m.; d. 10:30 a. m.; e. 11:00 a. m.; f. 1:00 p. m.; g. 1:30 p. m.; h. 2:00 p. m.

NOTE 1. In Bourbon, Linn and Miami Counties, court convenes at 10:00 a. m. for trial to the court and 9:00 a. m. for jury trials.

NOTE 2. In Douglas County all court days open at 9:30 a. m.; on days on which a term of court opens, the civil docket will be called beginning at 9:30 a. m. and the criminal docket will be called beginning at 2:00 p. m. Also, on all court days, other than those upon which a term of court opens, criminal cases involving defendants bound over for appearance on said days will be called beginning at 11:00 a. m.

NOTE 3. In Labette County, Parsons Division, July 27, and August 24, are Civil Court days and July 28, and August 25, are Criminal Court days.

NOTE 4. In Sedgewick County, all pre-trial motions filed during any week, except motions in domestic relations cases, shall be heard by the Administrative Judge at 9:30 a. m. on Friday of the following week. All post-trial motions and petitions filed under K. S. A. 60-1507, will be heard at 2:00 p. m. on the following days by the Judge of the Division which tried the case:

- Division 1: First Thursday of each month;
- Division 3: First Friday of each month;
- Division 4: Second Thursday of each month;
- Division 5: Second Friday of each month;
- Division 6: Third Thursday of each month;
- Division 7: Third Friday of each month;
- Division 8: Fourth Thursday of each month.

All motions in civil cases shall state the date, time and Division of Court in which the motion is to be heard.

All motions in domestic relations cases which have been on file five (5) days or more (including contempt, change of custody, and modification of previous orders), shall be prominently heard by the Judge of the Division to which the case has been permanently assigned at 9:30 a. m. on the following days:

- Division 1: First Thursday of each month;
- Division 3: First Friday of each month;
- Division 4: Second Thursday of each month;
- Division 5: Second Friday of each month;
- Division 6: Third Thursday of each month;
- Division 7: Third Friday of each month;
- Division 8: Fourth Thursday of each month.

All motions in domestic relations shall state the date, time and division of court in which the motion is to be heard.

In all felony cases where the defendant is bound over to the district court, and all appeals from inferior courts shall be arraigned on Wednesday of the second following week at 2:00 p. m. by the Administrative Judge.

NOTE 5. In Marshall County, opening day of the September term of court is delayed one day a/c Labor Day. In addition to the regular days of court in Division One, in Riley County, time permitting, special days of court will be held on the 3rd Friday of the month. Also, special days of court in Division One and Two will be scheduled in Clay, Marshall and Riley Counties as the need arises. In addition to the days scheduled in Division Two, in Riley County, motions will be scheduled in Riley County on every Monday, other than opening days of the terms in Clay County and Marshall County, and Mondays falling on holidays.

NOTE 6. In Finney, Scott and Wichita Counties, central time is shown. In Greeley, Hamilton and Kearny Counties, mountain time is shown.

NOTE 7. In Haskell, Grant, Stanton, Morton, Stevens and Seward Counties, court will convene as follows—Central time:

- First day of each Regular Term—10:00 a. m.
- Motion Days—Forenoon sessions—10:00 a. m.
- Afternoon sessions—2:00 p. m.
- Jury Sessions (unless otherwise ordered)—10:00 a. m.

NOTE 8. In Barton, Ellsworth, Rice, Russell and Stafford Counties, dates in July and August are Arraignment Days only.

NOTE 9. In Wyandotte County, all judges are present on Friday morning of each week to hear motions in domestic relations cases. All other motions are heard in the Division to which the case has been assigned on the dates indicated. No regular motion days are designated during the months of July and August, and each Judge will hear his motions at such time during these months as will be fixed by him. During July and August, all pre-trial motions in domestic relations cases and emergency matters will be heard each Friday by the judges on duty. Except as provided for the months of July and August, all motions are heard in the Division to which the case has been assigned. Matters requiring the presentation of oral testimony must be specially set by the judges. Motions in criminal cases are assigned for hearing by the Assignment Judge. Attorneys of record will be notified of settings by the Clerk.

NOTE 10. In Edwards, Hodgeman, Lane, Ness, Pawnee and Rush Counties, Court will convene as follows—Local Standard Time:

- Regular Term—9:30 a. m.
- Motion Days—Forenoon Sessions 9:00 a. m.
- Afternoon Sessions 1:30 p. m.
- Jury Sessions (unless otherwise ordered)—9:30 a. m.

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| Justice of the Supreme Court.                        |                |
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| WALTER PLEASANT. (1929-1931)                         | Ottawa         |
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| I. M. PLATT. (1943-1945)                             | Junction City  |
| C. A. SPENCER. (1944-1951)                           | Oakley         |
| CHARLES VANCE. (1945-1947)                           | Liberal        |
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| JOHN A. ETLING. (1945-1953)                          | Kinsley        |
| DALE M. BRYANT. (1947-1949, 1951-1953)               | Wichita        |
| FRANKLIN B. HETTINGER. (1952-1953)                   | Hutchinson     |
| JOHN H. MURRAY. (1953-1957)                          | Leavenworth    |
| A. K. STAVELY. (1951-1959)                           | Lyndon         |
| MAX L. DICE. (1957-1959)                             | Johnson        |
| WILLIAM L. MITCHELL. (1959-1961)                     | Hutchinson     |
| JOSEPH J. DAWES. (1953-1960, 1961)                   | Leavenworth    |
| WILFORD RIEGLE. (1953-1960, 1961)                    | Emporia        |
| GLEE S. SMITH. (1961-1963)                           | Larned         |
| SPENCER A. GARD. (1959-1964)                         | Iola           |
| CYLDE HILL. (1961-1965)                              | Yates Center   |
| JAMES E. TAYLOR. (1941-1969)                         | Sharon Springs |
| J. WILLARD HAYNES. (1951-1969)                       | Kansas City    |

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