

59-6a208. Exclusions, valuation and overlapping application. (a) The value of any property is excluded from the decedent's nonprobate transfers to others (1) to the extent the decedent received adequate and full consideration in money or money's worth for a transfer of the property or (2) if the property was transferred with the written joinder of, or if the transfer was consented to in writing by, the surviving spouse.

(b) The value of property:

(1) Included in the augmented estate under K.S.A. 59-6a205, 59-6a206 or 59-6a207 is reduced in each category by enforceable demands against the included property; and

(2) includes the commuted value of any present or future interest and the commuted value of amounts payable under any trust, life insurance settlement option, annuity contract, public or private pension, disability compensation, death benefit or retirement plan, or any similar arrangement, exclusive of the federal social security system.

(c) In case of overlapping application to the same property of the subparagraphs or sub-subparagraphs of K.S.A. 59-6a205, 59-6a206 or 59-6a207, the property is included in the augmented estate under the provision yielding the greatest value, but under only one overlapping provision if they all yield the same value.

History: L. 1994, ch. 132, § 8; Jan. 1, 1995.