

59-1405. Order in which assets to be appropriated. The property of a decedent, except as provided in K.S.A. 59-401 and 59-403, shall be liable for the payment of the decedent's debts and other lawful demands against the estate. When a will designates the property to be appropriated for the payment of debts or other items, it shall be applied to such purpose. Unless the will provides otherwise for the payment thereof, or unless the court shall otherwise determine pursuant to K.S.A. 59-1410 the property of the testator, subject to the payment of debts and other items, shall be applied to that purpose in the following order:

- (1) Personal property not disposed of by will;
- (2) real estate not disposed of by will;
- (3) personal property bequeathed to the residuary legatee;
- (4) real estate devised to the residuary devisee;
- (5) property not specifically bequeathed or devised;
- (6) property specifically bequeathed or devised.

Demonstrative legacies shall be classed as specific legacies to the extent of the payment thereof from the fund or property out of which payment is to be made, and as general legacies upon failure or insufficiency of the fund or property out of which payment was to be made to the extent of such insufficiency. The property of each class shall be exhausted before resorting to that of the next class; and all of one class shall contribute ratably if all the property of that class is not required for the payment of such debts or other items.

History: L. 1939, ch. 180, § 103; L. 1941, ch. 284, § 6; L. 1971, ch. 193, § 1; July 1.