

HOUSE BILL No. 2651

By Committee on Judiciary

2-9

1 AN ACT concerning the Kansas probate code; relating to transfer-on-death
2 deeds; amending K.S.A. 2015 Supp. 59-3504 and repealing the existing
3 section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2015 Supp. 59-3504 is hereby amended to read as
7 follows: 59-3504. (a) Title to the interest in real estate recorded in transfer-
8 on-death form shall vest in the designated grantee beneficiary or
9 beneficiaries on the death of the record owner.

10 (b) Grantee beneficiaries of a transfer-on-death deed take the record
11 owner's interest in the real estate at death subject to all conveyances,
12 assignments, contracts, mortgages, liens and security pledges made by the
13 record owner or to which the record owner was subject during the record
14 owner's lifetime including, but not limited to, any executory contract of
15 sale, option to purchase, lease, license, easement, mortgage, deed of trust
16 or lien, claims of the state of Kansas for medical assistance, as defined in
17 K.S.A. 39-702, and amendments thereto, pursuant to K.S.A. 39-709, and
18 amendments thereto, and to any interest conveyed by the record owner that
19 is less than all of the record owner's interest in the property.

20 (c) ~~If a any grantee beneficiary dies prior to the death of the record~~
21 ~~owner and an alternative grantee beneficiary has not been designated on~~
22 ~~the deed, the transfer shall lapse, the transfer to the grantee beneficiary is~~
23 ~~specifically predicated upon the grantee beneficiary surviving the record~~
24 ~~owner and there is no living alternative beneficiary designated on the deed~~
25 ~~to succeed to the predeceased grantee beneficiary's interest, the interest in~~
26 ~~the real property that would otherwise have passed to the predeceased~~
27 ~~grantee beneficiary shall fail.~~

28 (d) *If a grantee beneficiary dies prior to the death of the record*
29 *owner and the transfer to the grantee beneficiary is not specifically*
30 *predicated upon the grantee beneficiary surviving the record owner, the*
31 *interest in the real property that would otherwise have passed to the*
32 *predeceased grantee beneficiary shall fail unless the predeceased grantee*
33 *beneficiary leaves any issue, as defined in K.S.A. 59-615, and amendments*
34 *thereto, that survives the record owner, in which event the interest in the*
35 *real property that would otherwise have been transferred to the*
36 *predeceased grantee beneficiary shall transfer instead to the predeceased*

1 *grantee beneficiary's issue, per stirpes. The provisions of the Kansas*
2 *probate code, K.S.A. 59-101 et seq., and amendments thereto, shall be*
3 *applicable in such circumstance with respect to any judicial proceeding*
4 *that should become necessary in determining the living issue of the*
5 *predeceased grantee who would thereby succeed to the predeceased*
6 *beneficiary's interest in the real property, as well as their respective shares*
7 *in such real property, in the same manner as is applicable in a*
8 *determination of descent proceeding. All interested parties shall receive*
9 *proper notice, including any other grantee beneficiaries under the*
10 *transfer-on-death deed who would succeed to the ownership interest in the*
11 *event the predeceased grantee beneficiary had no surviving issue.*

12 *(e) The amendments to this section by this act shall apply to all*
13 *record owners who die on or after July 1, 2016.*

14 Sec. 2. K.S.A. 2015 Supp. 59-3504 is hereby repealed.

15 Sec. 3. This act shall take effect and be in force from and after its
16 publication in the statute book.