

**SMALL ESTATES AFFIDAVIT — TRANSFERRING CERTAIN
PERSONAL PROPERTY IN ESTATES UNDER \$75,000
PURSUANT TO K.S.A. 59-1507b**

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

(1) On _____ (*date*), _____ (*year*), _____
(*decedent*) died *testate (with a will)* or *intestate (without a will)* at
_____ (*location*), leaving a probate estate not
exceeding \$75,000 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 probate 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>
_____	_____
_____	_____
_____	_____
_____	_____

STATE OF KANSAS

COUNTY OF _____

SUBSCRIBED AND SWORN to (or affirmed) before me on _____ (date) by
_____ (name of person making statement).

Signature of Notarial Officer

(OFFICIAL STAMP)

Title of Officer

My Commission Expires:

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 \$75,000. The amount was raised from \$40,000 to \$75,000 effective July 1, 2023. 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.

This form has been amended to include the vehicle information required by the Kansas Department of Revenue (KDOR) in its form TR-83b, Claim of Heir and/or Beneficiary Affidavit. While all personal property that is part of the probate estate should be listed in paragraph 5, vehicle VIN numbers and odometer readings are only required if the form is being submitted to the KDOR's Division of Vehicles to obtain transfer of a vehicle title.



700 S. W. Jackson
Suite 300
Topeka, KS 66603-3796

Office of the State
Bank Commissioner

Phone: (785) 380-3839
Fax: (785) 371-1229
www.osbckansas.org

David L. Herndon, Bank Commissioner

Laura Kelly, Governor

August 10, 2023

Ms. Kim Knoll
Office of Judicial Administration
301 SW 10th Avenue
Topeka, KS 66612

You recently asked the Office of the State Bank Commissioner about the small state affidavit, which is outlined in K.S.A. 59-1507b. This statute outlines the process for transferring personal property of a Kansas resident. As of July 1, 2023, this statute applies to any Kansas resident who dies with total assets not exceeding \$75,000. From July 1, 2008, to June 30, 2023, this statute applied to any Kansas resident who dies with total assets not exceeding \$40,000. The statute allows the transfer of personal property to the successors of the decedent by use of an affidavit in a form outlined by the Kansas Judicial Council. The statute clearly states that letters of administration or letters testamentary are not required, i.e., a probate case is not required.

We understand that some banks are requiring the affidavit be filed with the district court and receive a file-stamp before the bank will accept the affidavit. Kansas statute does not outline any such process, and in fact makes it clear that the affidavit suffices, and no court filings are required. We would further note that the affidavit form includes a sworn statement that no petition for an executor or administrator of the estate is pending or granted, further indicating that no court filing should be made.

If banks have questions about the interpretation of this particular provision, they are welcome to call our office for guidance.

Sincerely,

Brock Roehler
General Counsel
Office of the State Bank Commissioner
785-379-3892
700 S.W. Jackson, Suite 300
Topeka, KS 66603