

Succession—The act of becoming beneficially entitled to the estate of a deceased person.

Testament—A written statement or will concerning the disposition of one's property at death.

Testate—Having made a testament or will.

Testator—One who has made a testament or will.

Title—The right to property; the legal evidence of ownership.

Vested—Property rights held by title.

Will—A written statement or testament concerning the disposition of one's property.

Witness—One who sees the signing of an instrument such as a will, deed or contract and who signs his name as testimony that he saw it.

KANSAS PROBATE CODE (in part)

Taken from 1947 Supplement to General Statutes of Kansas 1935.

ARTICLE 4—HOMESTEAD AND FAMILY ALLOWANCES

59-401—**Homestead.** "A homestead to the extent of one hundred and sixty acres of land lying without, or of one acre lying within, the limits of an incorporated city, occupied by the decedent and family at time of the owner's death, as a resident, and continued to be so occupied by the surviving spouse and children, after such death, together with all the improvements on the same, shall be wholly exempt from distribution under any of the laws of this state, and from the payment of the debts of the decedent, but it shall not be exempt from sale for taxes thereon, or for the payment of obligations contracted for the purchase thereof, or for the erection of improvements thereon, or for the payment of any lien given thereon by the joint consent of husband and wife. The title to the homestead property of a decedent shall pass the same as the title to other property of the decedent."

59-402—**Partition of homestead.** "The homestead shall not be subject to forced partition unless the surviving spouse remarries, nor until all the children arrive at the age of majority."

59-403—**Allowances to spouse and minor children.** "When a resident of the state dies, testate or intestate, the surviving spouse shall be allowed, for the benefit of such spouse and the decedent's minor children during the period of their minority, from the personal property of which the decedent was possessed or to which he was entitled at the time of death the following:

(1) The wearing apparel, family library, pictures, musical instruments, furniture and household goods, utensils and implements used in the home, one automobile, and provisions and fuel on hand necessary for the support of the spouse and minor children for one year.

(2) The sum of seven hundred fifty dollars or other per-

sonal property at its appraised value in full or part payment thereof. The property shall not be liable for the payment of any of decedent's debts or other demands against his estate, except liens thereon existing at the time of his death. If there are no minor children the property shall belong to the spouse; if there are minor children and no spouse, it shall belong to the minor children. The selection shall be made by the spouse, if living, otherwise by the guardian of the minor children. In case any of the decedent's minor children are not living with the surviving spouse, the court may make such division as it deems equitable."

59-404—**Effect of election by spouse.** "The surviving spouse, by electing to take under the will of the decedent or by consenting thereto, does not waive the homestead right nor the right to such allowance, unless it clearly appears from the will that the provision therein made for such spouse was intended to be in lieu of such rights."

ARTICLE 5—INTESTATE SUCCESSION

59-501—"As used in this article the word 'children' means natural children, including a posthumous child, the children adopted as provided by law, and includes illegitimate children when applied to mother and child, and also when applied to father and child where the father has notoriously or in writing recognized his paternity of the child, or his paternity thereof has been determined in his lifetime in any action or proceeding involving that question in a court of competent jurisdiction. The word 'issue' includes adopted children of deceased children or issue."

59-502—**Descent of property of intestate resident.** "Subject to any homestead rights, the allowances provided in section 21, (59-503) and the payment of reasonable funeral expenses, expenses of last sickness and costs of administration, taxes and debts, the property of a resident decedent, who dies intestate, shall at the time of his death pass by intestate succession as provided in this article."

59-503—**Descent of property of intestate nonresident.** "Real estate situated in this state, owned by an intestate decedent who is a nonresident of this state at the time of his death, shall pass by intestate succession in the same manner as though he were a resident of this state at time of his death. The personal property of such a decedent shall pass by intestate succession under the laws of the place of his residence at the time of his death."

59-504—**Surviving spouse.** "If the decedent leaves a spouse and no children or issue of a previously deceased child, all property shall go to the surviving spouse."

"If the decedent leaves a spouse and a child or children, or issue of a previously deceased child or children, one half of such property shall pass to surviving spouse."