

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

In the Matter of the Estate of

}

No. 10-P-1001

JAMES J. WILSON, Deceased

**AFFIDAVIT PURSUANT TO K.S.A. 59-618a**

STATE OF KANSAS

COUNTY OF APACHE

Mary J. Wilson, of lawful age, being first duly sworn upon oath, states:

1. James J. Wilson died testate at Hometown, Apache County, Kansas, on October 30, 2010; at the time of death decedent was a resident of Apache County, Kansas, and a citizen of the United States residing at 824 Main Street, Hometown, Kansas 66648.

2. The names, relationships and addresses of all decedent’s heirs, legatees and devisees which are known to this affiant, after diligent search and inquiry, are as follows:

<i>Name</i>	<i>Relationship</i>	<i>Interest</i>	<i>Address</i>
<u>Mary J. Wilson</u>	<u>Wife</u>	<u>Heir, devisee and legatee</u>	<u>824 Main Hometown, KS 66648</u>
<u>Peter Wilson</u>	<u>Son</u>	<u>Heir, devisee and legatee</u>	<u>Country Park Estates Hometown, KS 66648</u>
<u>Richard Wilson</u>	<u>Son</u>	<u>Heir, devisee and legatee</u>	<u>807 West Street Blackwell, OK 74631</u>
<u>Edith Wilson Smith</u>	<u>Daughter</u>	<u>Heir, devisee and legatee</u>	<u>523 North High Hometown, KS 66648</u>
<u>Hometown Animal Shelter</u>	<u>None</u>	<u>Legatee</u>	<u>1212 South High Hometown, KS 66648</u>

3. The name and address of any trustee of any trust established under the will is as follows:

NONE

4. The will of James J. Wilson, dated July 7, 2010, is filed with the District Court of Apache County, Kansas, for the purpose of preserving the same for record in the event formal probate proceedings are later required.

5. A copy of this affidavit and a copy of the will have this date been mailed to each heir, devisee, and legatee named in this affidavit, as required by K.S.A. 59-618a.

[6. I am the surviving spouse of James J. Wilson and I am aware that under K.S.A. 59-6a201 through 59-6a217, and amendments thereto, the surviving spouse may have a right to take a share of property owned by the decedent at death, in whole or in part, and of transfers of property made by the decedent prior to death.]

- MARY J. WILSON

SIGNED AND SWORN to (or affirmed) before me on November 10, 2010.

- NEVA WRIGHT  
*Notary Public*

(SEAL)

My Appointment Expires:  
January 10, 2015

**Reference**

K.S.A. 53-601; 59-617; 59-618; 59-618a; 59-621; 59-2233; S. Ct. Rule 123.

**Time**

Within six months of date of death.

## **Comment**

This procedure is useful when estate planning devices such as joint tenancy or inter vivos trusts have been used.

K.S.A. 59-618a was amended in 2016 to remove restrictions that allowed the protective filing of a will only if the decedent's probate estate contained no known real or personal property or the value of the property was less than the total of all known demands.

Mailing a copy of the affidavit and will to a designated fiduciary, who is other than a devisee or legatee, is appropriate.

Paragraph five of this form constitutes an affidavit of service.

If the affiant is the surviving spouse, paragraph six or Form 541 "Affidavit Pursuant to K.S.A. 59-2233" may be used. If the affiant is not the surviving spouse, or if the affiant is the surviving spouse and neither paragraph six nor Form 541 is used, then Form 539 "Notice Statement Pursuant to K.S.A. 59-2233" must be used, along with Form 540 "Affidavit of Service."

An unsworn declaration pursuant to K.S.A. 53-601 may be used as an alternative to this affidavit form.

See Form 504 for required cover sheets and information about the use of personal identifiers in pleadings.