



KANSAS

Estate and Succession Tax Booklet

Kansas Estate and Succession Tax

For Deaths Occurring On or After June 6, 2002

The State of Kansas imposes both an estate tax and a succession tax on the estates of persons who died on or after June 6, 2002.

The estate tax is a tax on the value of the decedent's estate, and is equal to the federal credit for state death taxes computed on the basis of 1997 federal law. The succession tax is imposed on the privilege of succeeding to the ownership of property by someone who is not a spouse, sibling, lineal ancestor or lineal descendant of the decedent.

Estates of persons who died before June 6, 2002 are subject to an estate tax and estates of persons who died before July 1, 1998 are subject to an inheritance tax. Please contact the Department of Revenue for more information about these taxes.

For questions about the Kansas Estate and Succession Tax, contact:

Kansas Department of Revenue
Customer Relations – Estate Tax
915 SW Harrison St.
Topeka, KS 66625-2222

Outside Topeka:
1-877-526-7738

In Topeka:
(785) 368-8222

Fax:
(785) 296-4993

Hearing Impaired TTY:
(785) 296-6461

To obtain forms, publications and other information, please visit our Web site:

www.ksrevenue.org

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If there is a conflict between the law and the information found in this publication, the law remains the final authority. Under no circumstances should the contents of this publication be used to set or sustain a technical legal position. A library of current policy information is also available on our Web site: www.ksrevenue.org

KANSAS ESTATE TAX

The Kansas estate tax is based on federal law. By statute, Kansas has incorporated by reference federal law as it existed on December 31, 1997.

Federal law as it existed on December 31, 1997 provides that when estate taxes are paid to a state, a credit for that tax is allowed against the federal tax shown on the United States Estate (and Generation Skipping Transfer) Tax Return, federal Form 706. The Kansas estate tax is equal to 100% of the maximum federal credit allowable for state death taxes paid. In effect, the Kansas estate tax return picks up the maximum allowable credit amount. This is why the Kansas estate tax is referred to as a "pick-up tax".

RECENT CHANGES IN FEDERAL ESTATE TAX LAW

A major feature of the federal tax package adopted in June of 2001 is the phasing down and eventual elimination of the federal estate tax. Under this law, the federal estate tax will be gradually reduced over the next decade until it is eliminated in calendar year 2010.

The recent changes in federal law fall into two primary categories. First, the accelerated increase in the Internal Revenue Code §2010 applicable exclusion amount will have the effect of increasing the federal filing threshold to \$1,000,000 effective January 2, 2002. In accordance with federal law this amount will increase to \$1,500,000 in 2004, \$2,000,000 in 2006, and \$3,500,000 in 2007.

Second, under the new federal law the federal credit for state death taxes found in Internal Revenue Code §2011 is phased out. In accordance with federal law, for deaths occurring in 2002 the amount of the credit is decreased by 25%, for deaths occurring in 2003 by 50%, and for deaths occurring in 2004 by 75%. For deaths occurring in 2005 the credit is eliminated and replaced with a deduction.

Recent Changes In Federal Estate Tax Law Do Not Affect The Kansas Estate Tax

Many believe the Kansas estate tax is in total conformity with federal law, and that the recent federal law changes will automatically flow through to Kansas. This is not the case. By statute, Kansas has incorporated by reference federal law as it

existed on December 31, 1997. Therefore, under current law, the Kansas estate tax will not be affected by the recent changes to federal law.

The 1997 federal law Kansas has incorporated by reference does not recognize the accelerated filing thresholds found in current federal law. Instead, the state filing threshold is \$700,000 for deaths occurring in 2002 and 2003, \$850,000 for deaths occurring in 2004, \$950,000 for deaths occurring in 2005, and \$1,000,000 for deaths occurring in 2006 or thereafter.

Similarly, the 1997 federal law Kansas has incorporated by reference does not include a provision that provides for a phase-out of the credit for state death taxes. Instead, 100% of the amount of the credit is to be paid.

RECALCULATION OF FEDERAL CREDIT FOR STATE DEATH TAXES BY ESTATES FILING FEDERAL FORM 706

The 1997 federal law Kansas has incorporated by reference does not recognize either the accelerated filing thresholds or the phase-out of the credit for state death taxes found in current federal law. As a result, the amount of the federal credit for state death taxes shown on the federal Form 706 filed for the estate of a decedent dying on or after June 6, 2002, will not be correct for Kansas estate and succession tax purposes. To determine the correct amount, the estate must recalculate the amount of the federal credit for state death taxes.

To recalculate the federal credit for state death taxes, the estate should use the applicable Internal Revenue Code §2010 exclusion amount allowed for the year of death under federal law as it existed on December 31, 1997. The amount determined should not be reduced by any percentage. Instead, 100% of the amount of the recalculated credit should be used in determining the amount of Kansas tax due.

Proration of Kansas Estate Tax

Kansas law provides that when the estate of a resident decedent shall consist of property within and property without the state, or in the case of the estate of a nonresident decedent who died holding an interest in property with a Kansas tax situs, the tax must be prorated. The Kansas estate tax is the same percentage of the federal credit for state death taxes that the total value of the

decedent's Kansas property is of the total value of their federal gross estate.

For a **resident decedent**, property taxable by Kansas includes real property and tangible personal property located in Kansas, and intangible personal property wherever located.

For a **nonresident decedent**, property taxable by Kansas includes real property and tangible personal property located in Kansas.

KANSAS SUCCESSION TAX

The Kansas succession tax is in addition to the Kansas estate tax. It is imposed on the privilege of succeeding to the ownership of any property, corporeal or incorporeal, and any interest therein within the jurisdiction of Kansas by any person who is not a spouse, brother or sister, lineal ancestor, lineal descendant, step-parent, step-child, adopted child, lineal descendant of any adopted child or step-child, spouse or surviving spouse of a son or daughter, or spouse or surviving spouse of an adopted child or step-child of the decedent. Generally, any estate that includes property passing to a "remote heir" (i.e. any person who is not a spouse, brother or sister, lineal ancestor, lineal descendant, step-parent, step-child, adopted child, lineal descendant of any adopted child or step-child, spouse or surviving spouse of a son or daughter, or spouse or surviving spouse of an adopted child or step-child of the decedent) will be subject to the succession tax, regardless of the size of the estate.

Property passing to a charity is not subject to the Kansas succession tax. For purposes of the Kansas succession tax, an organization will be considered a charity if it qualifies as a charity for federal estate tax purposes.

GENERAL INFORMATION

KANSAS FILING REQUIREMENTS

Estates of decedents dying on or after June 6, 2002 that include property passing to a "remote heir" must file an estate and succession tax return.

Estates of decedents dying on or after June 6, 2002 that do not include property passing to a

"remote heir" must file an estate and succession tax return if the value of the estate exceeds the filing threshold found in the 1997 federal law Kansas has incorporated by reference. The thresholds established by that law are exceeded if:

- The decedent's death occurred during 2002 or 2003 and the value of the gross estate is \$700,000 or more;
- The decedent's death occurred in 2004 and the value of the gross estate is \$850,000 or more;
- The decedent's death occurred in 2005 and the value of the gross estate is \$950,000 or more; or
- The decedent's death occurred in 2006 or after and the value of the gross estate is \$1,000,000 or more.

If the estate of a decedent dying on or after June 6, 2002 does not exceed the filing threshold found in the 1997 federal law Kansas has incorporated by reference, and does not include property passing to a "remote heir", the estate is not subject to estate or succession tax. Estates of decedents dying on or after June 6, 2002 are not subject to a lien for taxes, and no release of lien or consent to transfer is required prior to transferring either real estate or securities from the decedent's estate. Therefore, since the estate is not subject to tax, and no release of lien or consent to transfer is required, the estate does not need to file an estate and succession tax return. The estate may, however, file a return to request a determination of no Kansas estate and succession tax liability.

Kansas Returns

If the gross value of the estate is in excess of the filing threshold established by the 1997 federal law Kansas has incorporated by reference for the year of the decedent's death, use Form K-707. If the estate filed a federal Form 706, a copy must be attached. If the estate was not required to file a federal Form 706, a *pro forma* federal Form 706 must be completed and attached. Use the version of Form 706 dated July, 1998.

If the gross value of the estate is below the filing threshold established by the 1997 federal law

Kansas has incorporated by reference for the year of the decedent's death, but includes property passing to a "remote heir", use Form K-708. Neither a federal Form 706 nor a *pro forma* federal Form 706 need be submitted.

If the estate is filing a return to request a determination of no Kansas estate and succession tax liability, use Form K-708.

Who Must File A Return

The personal representative of the estate must file a return. For purposes of the Kansas estate and succession tax, the term "personal representative" means the executor, administrator or deemed executor of the decedent. A "deemed executor" is any person in actual or constructive possession of any property of the decedent. A deemed executor must act if no executor or administrator is appointed, qualified and acting within the United States.

When To File

When the estate is required to file a federal estate tax return, a complete Kansas Estate and Succession Tax Return, Form K-707, must be filed on or before the due date of the federal estate tax return. This date is within nine months of the decedent's death unless an extension of time to file has been granted.

When the estate is required to file a *pro forma* federal Form 706, a Kansas Estate and Succession Tax Return, Form K-707, must be filed within nine months of the date of the decedent's death.

When the estate is not required to file a federal estate tax return, a Kansas Estate and Succession Tax Return, Form K-708, must be filed within nine months of the date of the decedent's death.

A return is deemed filed upon delivery to the Kansas Department of Revenue. When mailed, a return is deemed filed as of the postmark date.

Extensions of Time to File

Extensions of time to file a federal estate tax return that have been granted by the Internal Revenue Service will be accepted for Kansas estate and succession tax purposes. Attach a copy of the federal extension(s) to your Kansas return and check the box for an extension. An extension of

time to file is not an extension of time to pay.

Payment of Tax

Tax is due nine months following the decedent's date of death. If not paid when due, interest will accrue.

Interest

If the tax is not paid by the due date, interest will be charged on the unpaid tax from the due date until the time it is paid. The rate of interest is the underpayment rate prescribed and determined under section 6621 of the federal Internal Revenue Code, as in effect on September 1, 1996, and which rate is in effect thereunder on July 1 of the year immediately preceding the calendar year for which the rate is being annually fixed, plus 1% if computed annually. For a specific rate, please contact the Estate Tax Section.

Closing Letter

Upon being satisfied that there has been a final determination of all taxes due and that payment has been received, the Director of Taxation will issue a closing letter to the personal representative. A copy of the closing letter will also be issued to the preparer of the return.

IRS Adjustments

Any adjustment by the Internal Revenue Service must be reported by the personal representative to the Director of Taxation within ninety (90) days of the date of such adjustment. Failure to comply will cause the statute of limitations to be tolled.

Additional Forms

To obtain additional Estate and Succession Tax forms or for other state tax assistance contact the office shown below. Forms can also be downloaded from the Department of Revenue's Web site: <http://www.ksrevenue.org>

Topeka Assistance Center
Docking State Office Building, First Floor
915 SW Harrison
Topeka, KS 66612-1588
Outside Topeka: 1-877-526-7738
In Topeka: (785) 368-8222
Hearing Impaired TTY: 1-785-296-6461
Forms Order Line: (785) 296-4937
Forms Fax Line: (785) 296-2736

1997 Tables for Recalculation of Federal Credit for State Death Taxes

KANSAS TABLE A - UNIFIED RATE SCHEDULE

Column A Taxable amount over	Column B Taxable amount not over	Column C Tax on amount in Column A	Column D Rate of tax on excess over amount in Col. A
0	10,000	0	(percent) 18
10,000	20,000	1,800	20
20,000	40,000	3,800	22
40,000	60,000	8,200	24
60,000	80,000	13,000	26
80,000	100,000	18,200	28
100,000	150,000	23,800	30
150,000	250,000	38,800	32
250,000	500,000	70,800	34
500,000	750,000	155,800	37
750,000	1,000,000	248,300	39
1,000,000	1,250,000	345,800	41
1,250,000	1,500,000	448,300	43
1,500,000	2,000,000	555,800	45
2,000,000	2,500,000	780,800	49
2,500,000	3,000,000	1,025,800	53
3,000,000	-----	1,290,800	55

KANSAS TABLE B -

Computation of Maximum Credit for State Death Taxes

(Based on Federal adjusted taxable estate computed using worksheet B)

(1) Adjusted taxable estate equal to or more than:	(2) Adjusted taxable estate less than:	(3) Credit on amount in column (1)	(4) Rate of credit on excess over amount in column (1):
0	40,000	0	(percent) None
40,000	90,000	0	0.8
90,000	140,000	400	1.6
140,000	240,000	1,200	2.4
240,000	440,000	3,600	3.2
440,000	640,000	10,000	4.0
640,000	840,000	18,000	4.8
840,000	1,040,000	27,600	5.6
1,040,000	1,540,000	38,800	6.4
1,540,000	2,040,000	70,800	7.2
2,040,000	2,540,000	106,800	8.0
2,540,000	3,040,000	146,800	8.8
3,040,000	3,540,000	190,800	9.6
3,540,000	4,040,000	238,800	10.4
4,040,000	5,040,000	290,800	11.2
5,040,000	6,040,000	402,800	12.0
6,040,000	7,040,000	522,800	12.8
7,040,000	8,040,000	650,800	13.6
8,040,000	9,040,000	786,800	14.4
9,040,000	10,040,000	930,800	15.2
10,040,000	-----	1,082,800	16.0

KANSAS TABLE C - UNIFIED CREDIT

Year	Unified Credit	Applicable Exclusion Amount
2002	229,800	700,000
2003	229,800	700,000
2004	287,300	850,000
2005	326,300	950,000
2006 and after	345,800	1,000,000

KANSAS TABLE B - WORKSHEET

FEDERAL ADJUSTED TAXABLE ESTATE	
1. Federal taxable estate	\$ _____
(from Tax Computation, Form 706, line 3)	60,000
2. Adjustment	_____
3. Federal adjusted taxable estate	_____
Subtract line 2 from line 1. Use this amount to compute maximum credit for state death taxes in Table B.	

K-707

(Rev. 8/02)

KANSAS ESTATE AND SUCCESSION TAX RETURN

For estates of decedents filing federal Form 706, or a *pro forma* Form 706. For deaths occurring on or after June 6, 2002.

Decedents Information	First Name	Initial	Last Name		
	County and State of Domicile at Date of Death		Date of Death	Age	Social Security Number
	Personal Representative (Name and Address)			Social Security Number	Telephone Number
	Attorney for the Estate (Name and Address)				Telephone Number
	Co-Representative (Name and Address)			Social Security Number	Telephone Number
	Preparer of Return - Other than Personal Representative or Attorney (Name and Address)				Telephone Number

Check the box if an extension is attached. Amount paid with extension _____ Check the box if this is an amended return.

Please attach a copy of Federal Estate Tax Return Form 706

1. Total state death tax credit allowed for federal estate tax purposes

1.

PRORATION OF FEDERAL CREDIT

2. Total federal gross estate (From federal Form 706, pg.1, line 1)

2.

3. Gross value of non-Kansas property (See instructions)

3.

4. Gross value of Kansas property (Subtract line 3 from line 2)

4.

5. Percentage of estate located in Kansas (Line 4 divided by line 2)

5.

KANSAS ESTATE AND SUCCESSION TAX

6. (a) Estate Tax Due (Line 1 times line 5) (b) Succession Tax Due (From Succession Tax Schedule)

6a.

6b.

7. (a) Estate Tax Interest (See Instructions) (b) Succession Tax Interest (See Instructions)

7a.

7b.

8. (a) Total Estate Amount Due (Line 6a plus line 7a) (b) Total Succession Amount Due (Line 6b plus line 7b)

8a.

8b.

9. Total Tax and Interest (Line 8a plus line 8b) Make check payable to: **Kansas Estate and Succession Tax**

9.

Under penalty of perjury, I declare that I have examined this return, including accompanying schedules and statements and to the best of my knowledge and belief it is true, correct and complete. Declaration of preparer other than personal representative or person in possession of property is based on all information of which preparer has any knowledge.

Signature of Personal Representative

Date

Signature of Preparer Other than Personal Representative

Signature of Co-Representative

Date

Signature of Preparer Other than Personal Representative

Mail to: Kansas Department of Revenue, Customer Relations-Estate Tax
915 SW Harrison Street, Topeka, KS 66625-2222

LINE INSTRUCTIONS FOR FORM K-707

Federal Credit For State Death Taxes

Line 1. If the estate is required to file a federal Form 706, recalculate the credit for state death taxes on the Recalculation Schedule, page 9, and enter the amount here.

If the estate is not required to file a federal Form 706, enter the amount of the credit for state death taxes reported on the *pro forma* federal Form 706.

Proration Of Federal Credit for State Death Taxes

Kansas law provides that when the estate of a resident decedent consists of property within and without the state, or in the case of the estate of a nonresident decedent who died holding an interest in property with a Kansas tax situs, the federal credit for state death taxes must be prorated.

Resident Decedent. For a resident decedent, property taxable by Kansas includes real property and tangible personal property located in Kansas and intangible personal property wherever located.

Nonresident decedent. For a nonresident decedent, property taxable by Kansas includes real property and tangible personal property located in Kansas.

Line 2. Enter the gross value of the decedent's estate as reported on the federal Form 706 or *pro forma* federal Form 706.

Line 3. Enter the gross value of the decedent's non-Kansas property as reported on the federal Form 706 or *pro forma* federal Form 706. Please identify these assets on the attached copy of the federal estate tax return by highlighting them in some manner or by attaching a separate schedule of these assets.

Line 4. Subtract line 3 from line 2.

Line 5. Divide line 4 by line 2. Enter the result as a percentage. If the decedent was a resident decedent whose estate consists entirely of Kansas property, the result is 100 percent.

Kansas Estate and Succession Tax

Line 6a. Multiply line 1 by line 5. This is the Kansas estate tax.

Line 6b. Enter the amount of succession tax determined on the Succession Tax Schedule, page 11.

Line 7. If the tax is not paid by the due date, interest will be charged on the unpaid tax from the due date until the time it is paid. The rate of interest is the underpayment rate prescribed and determined under section 6621 of the federal Internal Revenue Code, as in effect on September 1, 1996 and which rate is in effect thereunder on July 1 of the year immediately preceding the calendar year for which the rate is being annually fixed, plus 1 percent if computed annually. For a specific rate, please contact the Estate Tax Section.

Line 7a. Enter the amount of interest due on the Kansas estate tax shown on line 6a.

Line 7b. Enter the amount of interest due on the Kansas succession tax shown on line 6b.

Line 8a. Enter the sum of line 6a and line 7a.

Line 8b. Enter the sum of line 6b and line 7b.

Line 9. Add line 8a and line 8b. This is the total amount due to the State of Kansas. Please make your check or money order payable to "Kansas Estate and Succession Tax".

For questions about the Kansas Estate and Succession Tax, contact:

Kansas Department of Revenue
Customer Relations – Estate Tax
915 SW Harrison St.
Topeka, KS 66625-2222

Outside Topeka: 1-877-526-7738
In Topeka: (785) 368-8222
Fax: (785) 296-4993
Hearing Impaired TTY: (785) 296-6461

Recalculation of Federal Credit for State Death Taxes

1. Total gross estate less exclusion (From federal Form 706, page 1, line 1)	1.	
2. Total allowable deductions (From federal Form 706, page 1 line 2)	2.	
3. Taxable estate (Subtract line 2 from line 1)	3.	
4. Adjusted taxable gifts (From federal Form 706, page 1, line 4)	4.	
5. Add lines 3 and 4	5.	
6. Tentative tax on the amount on line 5 from Table A (Page 6)	6.	
7. Total gift tax payable (From federal Form 706, page 1, line 7)	7.	
8. Gross estate tax (Subtract line 7 from line 6)	8.	
9. Maximum unified credit (applicable credit amount) against estate tax (See Kansas Table C, page 6)	9.	
10. Adjustment to unified credit (From federal Form 706, page 1, line 10)	10.	
11. Allowable unified credit (applicable credit amount) (Subtract line 10 from line 9)	11.	
12. Subtract line 11 from line 8 (But do not enter less than zero)	12.	
13. Credit for state death taxes. (Do not enter more than line 12. Figure the credit by using the amount on line 3 less \$60,000. See Kansas Table B, page 6. Enter here and on Form K-707, line 1.)	13.	

LINE INSTRUCTIONS FOR RECALCULATION SCHEDULE

The 1997 federal law Kansas has incorporated by reference does not recognize either the accelerated filing thresholds or the phase-out of the credit for state death taxes found in current federal law. As a result, the amount of the federal credit for state death taxes shown on the federal Form 706 filed for the estate of a decedent dying on or after June 6, 2002, will not be correct for Kansas estate and succession tax purposes. To determine the correct amount, the estate must recalculate the amount of the federal credit for state death taxes.

To recalculate the federal credit for state death taxes, the estate should use the applicable Internal Revenue Code §2010 exclusion amount allowed for the year of death under federal law as it existed on December 31, 1997. The amount determined should not be reduced by any percentage. Instead, 100% of the amount of the recalculated credit should be used in determining the amount of Kansas tax due.

Line 1. Enter the amount of the total gross estate less exclusion shown on line 1, page 1, of the federal Form 706.

Line 2. Enter the amount of the total allowable deductions shown on line 2, page 1, of the federal Form 706.

Line 3. Subtract line 2 from line 1 and enter the result. This should be the same as the amount shown on line 3, page 1, of the federal Form 706.

Line 4. Enter the amount of adjusted taxable gifts shown on line 4, page 1, of the federal Form 706.

Line 5. Add lines 3 and 4. This should be the same as the amount shown on line 5, page 1, of the federal Form 706.

Line 6. Enter the tentative tax on the amount on line 5 from Kansas Table A on page 6 of these instructions. This should be the same as the amount shown on line 6, page 1, of the federal Form 706.

Line 7. Enter the amount of total gift tax payable shown on line 7, page 1, of federal Form 706.

Line 8. Subtract line 7 from line 6. This is the gross federal estate tax and should be the same as the amount shown on line 8, page 1, of the federal Form 706.

Line 9. Enter the amount of the maximum unified credit from Kansas Table C on page 6 of these instructions. This amount **will not** be the same as the amount shown on line 9, page 1, of the federal Form 706.

Line 10. Enter the amount of the adjustment to the unified credit shown on line 10, page 1, of federal Form 706.

Line 11. Subtract line 10 from line 9 and enter the result here. This is the allowable unified credit and **will not** be the same as the amount shown on line 11, page 1, of the federal Form 706.

Line 12. Subtract line 11 from line 8 and enter the result here (but do not enter less than zero). This amount **will not** be the same as the amount shown on line 12, page 1, of the federal Form 706.

Line 13. Enter the amount of the federal credit for state death taxes from Kansas Table B on page 6 of the instructions. Do not enter more than the amount on line 12. This amount **will not** be the same as the amount shown on line 13, page 1, of the federal Form 706. This amount should also be entered on line 1 of the Form K-707.

Succession Tax Schedule

List relatives and strangers in the blood, other than a spouse, brother or sister, lineal ancestor, lineal descendant, step-parent, step-child, adopted child, lineal descendant of any adopted child or step-child, spouse or surviving spouse of a son or daughter, or spouse or surviving spouse of an adopted child or step-child of the decedent, who succeeds to the ownership of any property of the decedent, corporeal or incorporeal, and any interest therein within the jurisdiction of Kansas.

	(a) Name Address	(b) SS#	(c) Relationship	(d) Value of Interest Received	(e) Total Tax
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					

Total Tax: Add all amounts listed in column (e). Enter Total Tax here and on line 6b of Form K-707 or on Line 3 of Form K-708.

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INSTRUCTIONS FOR SUCCESSION TAX SCHEDULE

Column (a). Name and Address. Enter the name and address of any relative, or stranger in the blood, of the decedent other than the spouse, brothers and sisters, lineal ancestors, lineal descendants, step-parents, step-children, adopted children, lineal descendants of any adopted child or step-child, the spouse or surviving spouse of a son or daughter, or the spouse or surviving spouse of an adopted child or step-child of the decedent who succeeds to the ownership of any property, corporeal or incorporeal, or any interest therein within the jurisdiction of Kansas.

Column (b). Social Security Number. Enter the social security number of the person named in Column (a).

Column (c). Relationship. State the relationship between the decedent and the person named in Column (a).

In the case of any adopted child or step-child, a spouse or surviving spouse of an adopted child or step-child or the lineal descendant of any adopted child or step-child of the decedent, such person shall file with the Department of Revenue an affidavit setting forth the relationship of such person to the decedent. The affidavit can be in any form adequate to establish the relationship, and should be attached to the return.

Column (d). Value of Interest Received. Enter the value of the interest received from the decedent by the person named in Column (a). This includes all property to which the person succeeds in any manner recognized under Kansas law.

Column (e). Tax. Compute the amount of tax due for the person named in Column (a), and enter the amount here.

Tax is charged upon the value of the property being succeeded to in an amount equal to the following percentages:

On any amount up to \$100,000	10%
On any amount in excess of \$100,000 up to \$200,000	12%
On all sums in excess of \$200,000	15%

Total Tax. Add the amounts of tax listed in Column (e) for all of the persons named in Column (a). Enter the total here, and on line 6b of Form K-707 or line 3 of Form K-708.

K-708

KANSAS SUCCESSION TAX RETURN

(Rev. 10/02)

For estates of decedents not filing federal Form 706, or *pro forma* Form 706. For deaths occurring on or after June 6, 2002.

Decedents Information	First Name	Initial	Last Name		
	County and State of Domicile at Date of Death		Date of Death	Age	Social Security Number
	Personal Representative (Name and Address)			Social Security Number	Telephone Number
	Attorney for the Estate (Name and Address)				Telephone Number
	Co-Representative (Name and Address)			Social Security Number	Telephone Number
	Preparer of Return - Other than Personal Representative or Attorney (Name and Address)				Telephone Number

Check the box if this is an amended return. Check the box if this is a request for determination of no Kansas estate and succession tax.

1. Was the estate required to file a federal Form 706? Yes No

If the answer to question 1 is "Yes" **DO NOT** complete this form. Use Kansas Form K-707.

2. Enter the value of the gross estate, as determined for federal estate tax purposes. 2.

You must determine the actual value based on the IRS rules for federal estate tax before filing this form. **Do not** estimate this amount.

3. Enter the amount of succession tax determined from the Succession Tax Schedule. 3.

4. Interest (See instructions) 4.

5. Total tax and interest (Add line 3 and line 4) 5.

Make check payable to: **Kansas Estate and Sucession Tax**

Under penalty of perjury, I declare that I have examined this return, including accompanying schedules and statements and to the best of my knowledge and belief it is true, correct and complete. Declaration of preparer other than personal representative or person in possession of property is based on all information of which preparer has any knowledge.

Signature of Personal Representative _____
Date _____
Signature of Preparer Other than Personal Representative

Signature of Co-Representative _____
Date _____
Signature of Preparer Other than Personal Representative

Mail to: Kansas Department of Revenue, Customer Relations-Estate Tax
915 SW Harrison Street, Topeka, KS 66625-2222

LINE INSTRUCTIONS FOR FORM K-708

Line 1. Indicate whether the estate is required to file a federal Form 706 or *pro forma* federal Form 706 by checking the appropriate box. If the answer is “Yes”, **do not** complete this form. Use Kansas Form K-707 instead.

Line 2. Enter the value of the gross estate, as determined for federal estate tax purposes (i.e. the value determined in deciding whether the estate would be required to file a federal Form 706 or *pro forma* federal Form 706. You must determine the actual value based on the Internal Revenue Service rules for estate tax. **Do not estimate this amount.**

Line 3. Enter the amount of succession tax determined on the Succession Tax Schedule.

Line 4. If the tax is not paid by the due date, interest will be charged on the unpaid tax from the due date until the time it is paid. The rate of interest is the underpayment rate prescribed and determined under section 6621 of the federal Internal Revenue Code, as in effect on September 1, 1996 and which rate is in effect thereunder on July 1 of the year immediately preceding the calendar year for which the rate is being annually fixed, plus 1% if computed annually. For a specific rate, please contact the Estate Tax Section.

Line 5. Add line 3 and line 4. This is the total amount due to the State of Kansas. Please make your check or money order payable to “Kansas Estate and Succession Tax”.

REQUEST FOR DETERMINATION OF NO KANSAS ESTATE AND SUCCESSION TAX

If the estate of a decedent dying on or after June 6, 2002 does not exceed the filing threshold found in the 1997 federal law Kansas has incorporated by reference, and does not include property passing to a “remote heir”, the estate is not subject to estate or succession tax. Estates of decedents dying on or after June 6, 2002 are not subject to a lien for taxes, and no release of lien or consent to transfer is required prior to transferring either real estate or securities from the decedent’s estate. Therefore, since the estate is not subject to tax, and no release

of lien or consent to transfer is required, the estate does not need to file an estate and succession tax return. The estate may, however, file a return to request a determination of no Kansas estate and succession tax liability.

If you file a return to request a determination of no Kansas estate and succession tax, check the appropriate box. Follow the instructions for line 1 and line 2, above. Enter zero (-0-) on line 3, line 4, and line 5.