

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2002-62
HOUSE BILL 1538

AN ACT TO AMEND THE LAW RELATING TO DISTRIBUTION TO KNOWN BUT UNLOCATED DEVISEES OR HEIRS TO CONFORM TO THE NORTH CAROLINA UNCLAIMED PROPERTY ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 28A-22-9 reads as rewritten:

"§ 28A-22-9. **Distribution to known but unlocated devisees or heirs.**

(a) If there are known but unlocated devisees or ~~heirs~~heirs of property held by the personal representative, the personal representative may deliver the share of such devisee or heir to the clerk of superior court immediately prior to filing of the final account. If the devisee or heir is located after the final account has been filed, he may present a claim for the share to the clerk. If the clerk determines that the claimant is entitled to the share, he shall deliver the share to the devisee or claimant. If the clerk denies the claim, the claimant may take an appeal as in a special proceeding.

(b) The clerk shall hold the share without liability for profit or interest. If no claim has been presented within a period of ~~five years~~ one year after the filing of the final account, the clerk shall deliver the share to the State Treasurer as abandoned property.

(c) The clerk shall not be required to publish any notice to such devisee or heir and shall not be required to report such share to the State Treasurer. If the devisee or heir is located, the clerk shall inform the devisee or heir that he is entitled to file a claim with the State Treasurer for the share under the provisions of ~~G.S. 116B-38(a)~~. G.S. 116B-67."

SECTION 2. This act becomes effective October 1, 2002.

In the General Assembly read three times and ratified this the 30th day of July, 2002.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:42 a.m. this 1st day of August, 2002