

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 312

Short Title: Increase Spousal Year's Allowance/Conform Lng. (Public)

Sponsors: Representatives Hurley, Spear, Randleman, McLawhorn (Primary Sponsors);
K. Alexander, Allred, Blust, Brubaker, Burr, Carney, Cleveland, Current, Dollar,
Faison, Folwell, Frye, Guice, Justus, Killian, Langdon, McCormick, Mobley,
Sager, Samuelson, Stam, Steen, Stevens, Tillis, and Wiley.

Referred to: Judiciary II, if favorable, Finance.

February 26, 2009

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE AMOUNT OF THE YEAR'S ALLOWANCE FOR A
SURVIVING SPOUSE AND TO MAKE CONFORMING CHANGES TO RELATED
PROVISIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 30-15 reads as rewritten:

"§ 30-15. **When spouse entitled to allowance.**

Every surviving spouse of an intestate or of a testator, whether or not he has petitioned for an elective share, shall, unless he has forfeited his right thereto, as provided by law, be entitled, out of the personal property of the deceased spouse, to an allowance of the value of ~~ten~~ twenty thousand dollars ~~(\$10,000)~~ (\$20,000) for his support for one year after the death of the deceased spouse. Such allowance shall be exempt from any lien, by judgment or execution, acquired against the property of the deceased spouse, and shall, in cases of testacy, be charged against the share of the surviving spouse.

SECTION 2. G.S. 30-26 reads as rewritten:

"§ 30-26. **When above allowance is in full.**

If the estate of a deceased be insolvent, or if his personal estate does not exceed ~~ten~~ twenty thousand dollars ~~(\$10,000)~~ (\$20,000), the allowances for the year's support of the surviving spouse and the children shall not, in any case, exceed the value prescribed in G.S. 30-15 and G.S. 30-17; and the allowances made to them as above prescribed shall preclude them from any further allowances."

SECTION 3. G.S. 30-29 reads as rewritten:

"§ 30-29. **What complaint must show.**

In the complaint the plaintiff shall set forth, besides the facts entitling plaintiff to a year's support and the value of the support claimed, the further facts that the estate of the decedent is not insolvent, and that the personal estate of which he died possessed exceeded ~~ten~~ twenty thousand dollars ~~(\$10,000)~~ (\$20,000), and also whether or not an allowance has been made to plaintiff and the nature and value thereof."

SECTION 4. This act becomes effective January 1, 2010, and applies to estates of individuals dying on or after that date.

