

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS85096-LL-81 (2/11)

Short Title: Assets of Ward's Estate.

(Public)

Sponsors: Senator Berger of Rockingham.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE DEPOSIT OF ASSETS OF A WARD'S ESTATE INTO
3 ANY FINANCIAL INSTITUTION AND TO MAKE OTHER CLARIFYING CHANGES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 35A-1232 reads as rewritten:

6 "§ 35A-1232. Exclusion of deposited money in computing amount of bond.

7 (a) When it appears that the ward's estate includes money assets that ~~has~~ have been or
8 will be deposited ~~in a bank in this State or invested in an account in an insured savings and loan~~
9 ~~association or invested in an account with a financial institution~~ upon condition that the ~~money~~
10 ~~or securities~~ assets will not be withdrawn except on authorization of the court, the court may, in
11 its discretion, order that the ~~money assets~~ be so deposited or invested and exclude such
12 deposited ~~money assets~~ from the computation of the amount of the bond or reduce the amount
13 of the bond in respect of such ~~money assets~~ to such an amount as it may deem reasonable.

14 (b) The applicant for letters of ~~guardianship~~ guardianship, or a ~~general guardian or~~
15 ~~guardian of the estate~~, may deliver to any such ~~bank or association~~ financial institution any
16 such ~~money assets~~ in his the applicant's or the guardian's possession or may allow such ~~bank or~~
17 ~~association~~ financial institution to retain any such ~~money assets~~ already deposited or invested
18 with it; in either event, the applicant or guardian shall secure and file with the court a written
19 receipt including the agreement of the ~~bank or association~~, financial institution, duly
20 acknowledged by an authorized officer of the ~~bank or association~~, financial institution, that the
21 ~~money assets~~ shall not be allowed to be withdrawn except on authorization of the court. ~~In so~~
22 ~~receiving and retaining such money, the bank or association shall be protected to the same~~
23 ~~extent as though it had received the same from a person to whom letters of guardianship had~~
24 ~~been issued.~~

25 (c) The term "~~account in an insured savings and loan association~~" "account with a
26 financial institution" as used in this section means any account in a bank, savings and loan
27 ~~association that is insured by the Federal Deposit Insurance Corporation, by the Federal~~
28 ~~Savings and Loan Insurance Corporation, or by a mutual deposit guaranty association~~
29 ~~authorized by Article 7A of Chapter 54 of the North Carolina General Statutes.~~ association,
30 credit union, trust company, or registered securities broker or dealer.

31 (d) The term "~~money~~" "assets" as used in this section ~~means the principal of~~ includes,
32 but is not limited to, cash, stock, bonds, and other forms of securities in the ward's estate and
33 does not include the income earned by the principal those assets, which may be withdrawn
34 without any authorization of the court.



1 (e) The term "income" as used in this section means interest and ordinary dividends but
2 does not include capital gains. Income that is not withdrawn shall be added to principal
3 annually."

4 **SECTION 2.** This act becomes effective October 1, 2009.