

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 968
HOUSE BILL 1239

AN ACT TO AMEND CHAPTER 400, 1945 SESSION LAWS, TO PROVIDE FOR THE CLERK OF SUPERIOR COURT OF FORSYTH COUNTY TO ADMINISTER PROPERTY AND ASSETS OF MINORS AND PERSONS ADJUDGED INCOMPETENT AND TO MANAGE THEIR PROPERTY WHEN THE TOTAL VALUE OF THE ASSETS REQUIRED BY LAW TO BE ADMINISTERED FOR A MINOR OR INCOMPETENT WILL NOT EXCEED A TOTAL NET VALUE OF \$3,000.00.

The General Assembly of North Carolina do enact:

Section 1. Section 1 A of Chapter 400 of the Session Laws of 1945 is amended by adding at the end of said Section a proviso which shall read as follows:

"Provided that when the minor or incompetent owns unproductive real property or an interest in unproductive real property, or an interest in real property being occupied by the ward and a parent or a person standing in loco parentis to the minor or incompetent, and the clerk determines from the facts pertaining to the estate of said person that it is for the best interest of the minor or incompetent for the clerk to administer money due and payable to said minor or incompetent, the clerk may in his discretion administer same even though the ward owns real property or an interest in real property."

Sec. 2. Section 1 A is further amended by striking out of said Section, after the word "due", beginning in line 9, the words "and the total amount due and belonging to such minor or ward does not exceed one thousand dollars", and inserting in lieu thereof the words "and the total net amount due and belonging to such minor or ward, after deducting commissions due Forsyth County, does not exceed three thousand dollars (\$3,000.00)".

Sec. 3. Section 2 B is further amended by striking out the words "one thousand dollars" appearing in line 4 of said Section, and inserting in lieu thereof the words and figures "three thousand dollars (\$3,000.00)".

Sec. 4. Section 3 A is hereby rewritten in its entirety to read as follows:

"A. If, after the clerk receives money for a minor or incompetent he determines that the total cash belonging to and money due said minor or ward exceeds three thousand dollars (\$3,000.00) or, if the clerk determines from the facts of the case that a guardian or trustee should be appointed to administer the property and assets of such minor or incompetent, then he shall proceed to appoint a guardian or trustee as by law provided to administer all the property and assets of such minor or incompetent, and upon the

qualification of a guardian or trustee, the clerk shall transfer and pay over to the guardian or trustee for said person all monies held in his office belonging to said minor or incompetent to be administered by the guardian or trustee so appointed."

Sec. 5. Section 8 B is amended by striking out the words "one thousand dollars" appearing in line 3 of said Section, and inserting in lieu thereof the words and figures "three thousand dollars (\$3,000.00)".

Sec. 6. This Act shall apply only to Forsyth County.

Sec. 7. Chapter 1297, Session Laws of 1957, is hereby repealed.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.