

NORTH CAROLINA GENERAL ASSEMBLY  
1975 SESSION

CHAPTER 344  
SENATE BILL 459

AN ACT TO TRANSFER G.S. 28-68 TO G.S. Chapter 28A.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 28-68, 28-68.1, 28-68.2, and 28-68.3, as presently set out in the 1974 Cumulative Supplement to G.S. Volume 2A, and currently scheduled for repeal effective July 1, 1975, by Section 1 of Chapter 1329, Session Laws of 1973 (second session), are redesignated G.S. 28A-25-6, and revised to read as follows:

**"§ 28A-25-6. Payment to clerk of money owed intestate.** — (a) As an alternative to the small estate settlement procedures of this Article, any person indebted to an intestate may satisfy such indebtedness by paying the amount of the debt to the clerk of the superior court of the county of the domicile of the intestate:

- (1) if no administrator has been appointed, and
- (2) if the amount owed by such person does not exceed two thousand dollars (\$2,000), and
- (3) if the sum tendered to the clerk would not make the aggregate sum which has come into the clerk's hands belonging to the intestate exceed two thousand dollars (\$2,000).

(b) Such payments may not be made to the clerk if the total amount paid or tendered with respect to any one intestate would exceed two thousand dollars (\$2,000), even though disbursements have been made so that the aggregate amount in the clerk's hands at any one time would not exceed two thousand dollars (\$2,000).

(c) If the sum tendered pursuant to this section would make the aggregate sum coming into the clerk's hands with respect to any one intestate exceed two thousand dollars (\$2,000) the clerk shall appoint an administrator, or the sum may be administered under the preceding sections of this Article.

(d) If it appears to the clerk after making a preliminary survey that disbursements pursuant to this section would not exhaust funds received pursuant to this section, he may, in his discretion, appoint an administrator, or the funds may be administered under the preceding sections of this Article.

(e) The receipt from the clerk of the superior court of a payment purporting to be made pursuant to this section is a full release to the debtor for the payment so made.

(f) If no administrator has been appointed, the clerk of superior court shall disburse the money received under this section for the following purposes and in the following order:

- (1) To pay the surviving spouse's year's allowance and children's year's allowance assigned in accordance with law;
- (2) To pay any lawful claims for funeral expenses of the deceased, not to exceed six hundred dollars (\$600.00) as a preferred claim, or to reimburse any person for the payment thereof;
- (3) To pay any lawful claims for hospital, medical and doctor's bills for the last illness of the deceased, such period of last illness not to exceed 12 months, or to reimburse any person for the payment thereof.

After the death of a spouse who died intestate and after the disbursements have been made in accordance with this subsection, the balance in the clerk's hands belonging to the estate of the intestate shall be paid to the surviving spouse, and if there is no surviving spouse, the clerk shall pay it to the heirs or distributees in proportion to their respective interests.

(g) The clerk shall not be required to publish notice to creditors.

(h) Whenever an administrator is appointed after a clerk of superior court has received any money pursuant to this section, the clerk shall pay to the administrator all funds which have not been disbursed. The clerk shall receive no commissions for payments made to the administrator, and the administrator shall receive no commission for receiving such payments."

**Sec. 2.** This act shall become effective the same day as Chapter 1329, Session Laws of 1973, becomes effective.

In the General Assembly read three times and ratified, this the 21st day of May, 1975.