GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 460
SENATE BILL 396

AN ACT GOVERNING THE VOTING OF SHARES OF CORPORATE STOCK OR OTHER SECURITIES BY JOINT PERSONAL REPRESENTATIVES AND COTRUSTEES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 28A-13-6(d) reads as rewritten:

"(d) ~~The voting of corporate shares of stock is governed by the provisions of G.S. 55-69(f).~~ Subject to subsection (b) of this section, if two or more personal representatives own shares of corporate stock or other securities, their acts with respect to voting shall have the following effect:

(1) If only one votes, in person or by proxy, his act binds all;

(2) If more than one vote, in person or by proxy, the act of the majority so voting binds all;

(3) If more than one vote, in person or by proxy, but the vote is evenly split on any particular matter, each faction is entitled to vote the stock or other securities in question proportionately."

Sec. 2. G.S. 36A-69 reads as rewritten:

"**§ 36A-69. Voting stock.**

A trustee owning shares of corporate stock or other securities may vote ~~it~~ them in person or by general or limited proxy, and may execute waivers, consents or objections with respect to such stock or securities, but shall be liable for any loss resulting to the beneficiaries from a failure to use reasonable care in deciding how to vote the stock or securities, in voting ~~it~~ them or in not voting ~~it~~ them."

Sec. 3. G.S. 28A-13-3(a)(8) reads as rewritten:

"(8) To vote shares of stock or other securities in person or by general or limited proxy, and to execute waivers, consents or objections with respect to such stock or securities."

Sec. 4. G.S. 36A-73(c) reads as rewritten:

"(c) ~~The voting of corporate shares of stock by cotrustees is governed by G.S. 55-69(f).~~ Subject to subsection (a) of this section, if two or more trustees own shares of corporate stock or other securities, their acts with respect to voting shall have the following effect:

(1) If only one votes, in person or by proxy, his act binds all;

(2) If more than one vote, in person or by proxy, the act of the majority so voting binds all;

(3) If more than one vote, in person or by proxy, but the vote is evenly split on any particular matter, each faction is entitled to vote the stock or other securities in question proportionately."

Sec. 5. This act becomes effective October 1, 1991.

In the General Assembly read three times and ratified this the 1st day of July, 1991.

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James C. Gardner
President of the Senate

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Daniel Blue, Jr.
Speaker of the House of Representatives