GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-83
HOUSE BILL 182

AN ACT TO AMEND THE ANTI-LAPSE STATUTE TO PROVIDE THAT THE INTEREST OF A DECEASED CLASS MEMBER WHO LEAVES NO ISSUE DEVOLVES UPON THE REMAINING CLASS MEMBERS AND THE ISSUE OF OTHER DECEASED CLASS MEMBERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 31-42(a) reads as rewritten:

"(a) Unless the will indicates a contrary intent, if a devisee predeceases the testator, whether before or after the execution of the will, and if the devisee is a grandparent of or a descendant of a grandparent of the testator, then the issue of the predeceased devisee shall take in place of the deceased devisee. The devisee's issue shall take the deceased devisee's share in the same manner that the issue would take as heirs of the deceased devisee under the intestacy provisions in effect at the time of the testator's death. The provisions of this section apply whether the devise is to an individual, to a class, or is a residuary devise. In the case of the class devise, the issue shall take whatever share the deceased devisee would have taken had the devisee survived the ~~testator.~~ testator; in the event the deceased class member leaves no issue, the devisee's share shall devolve upon the members of the class who survived the testator and the issue of any deceased members taking by substitution."

SECTION 2. This act is effective when it becomes law and applies to estates of decedents dying on or after that date.

In the General Assembly read three times and ratified this the 8th day of May, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 9:51 a.m. this 17th day of May, 2001