

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 240
HOUSE BILL 272

AN ACT TO ALLOW PARTIAL DISTRIBUTION AWARDS PRIOR TO FINAL
JUDGMENT IN EQUITABLE DISTRIBUTION CASES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-20(i1) reads as rewritten:

"(i1) ~~After an action for equitable distribution has been filed the Court may, for just cause, order the spouse in control of marital assets to transfer the use and possession of some or all of those assets to the other spouse provided that any and all assets so transferred shall be subject to a full accounting when the property is ultimately allocated in an equitable distribution judgment. Any property transfer made pursuant to this subsection shall be made without prejudice to the rights of either spouse to claim a contrary classification, value, or distribution in the final equitable distribution trial. For good cause shown, including, but not limited to, providing for the subsistence of a spouse while an action is pending, the Court may, at any time after an action for equitable distribution has been filed and prior to the final judgment of equitable distribution, enter orders declaring what is separate property and dividing part of the marital property between the parties. The partial distribution may provide for a distributive award. Any such orders entered shall be taken into consideration at trial and proper credit given.~~

Hearings held pursuant to this subsection may be held at sessions arranged by the chief district court judge pursuant to G.S. 7A-146 and, if held at such sessions, shall not be subject to the reporting requirements of G.S. 7A-198."

Sec. 2. This act becomes effective October 1, 1995, and applies to all equitable distribution actions pending on or filed after that date.

In the General Assembly read three times and ratified this the 13th day of June, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives