

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 525

Short Title: Personal Rep. Qualifications.

(Public)

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Sponsors: Senator Hagan.

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Referred to: Judiciary II.

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March 25, 1999

A BILL TO BE ENTITLED

AN ACT TO ALLOW NON-UNITED STATES CITIZENS WHO ARE RESIDENTS  
OF NORTH CAROLINA TO SERVE AS PERSONAL REPRESENTATIVES IN  
THE ADMINISTRATION OF ESTATES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 28A-4-2 reads as rewritten:

**"§ 28A-4-2. Persons disqualified to serve as personal representative.**

No person is qualified to serve as a personal representative who:

(1) Is under 18 years of age;

(2) Has been adjudged incompetent in a formal proceeding and remains under such disability;

(3) Is a convicted felon, under the laws either of the United States or of any state or territory of the United States, or of the District of Columbia and whose citizenship has not been restored;

(4) Is a nonresident of this State who has not appointed a resident agent to accept service of process in all actions or proceedings with respect to the estate, and caused such appointment to be filed with the court; or who is a resident of this State who has, subsequent to appointment as a personal representative, moved from this State without appointing such process agent;

- 1           (5)    Is a corporation not authorized to act as a personal representative in this  
2           State;  
3           ~~(6)    Is an alien disqualified by law;~~  
4           (7)    Has lost his rights as provided by Chapter 31A;  
5           (8)    Is illiterate;  
6           (9)    Is a person whom the clerk of superior court finds otherwise unsuitable;  
7           or  
8           (10)  Is a person who has renounced either expressly or by implication as  
9           provided in G.S. 28A-5-1 and 28A-5-2."

10           Section 2. This act becomes effective January 1, 2000, and applies to estates  
11 of decedents dying on or after that date.