

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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SENATE BILL 1147\*

Short Title: Distribution to Unlocated Devisees.

(Public)

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Sponsors: Senator Hartsell.

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Referred to: Judiciary I.

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June 4, 2002

A BILL TO BE ENTITLED

1  
2 AN ACT TO AMEND THE LAW RELATING TO DISTRIBUTION TO KNOWN  
3 BUT UNLOCATED DEVISEES OR HEIRS TO CONFORM TO THE NORTH  
4 CAROLINA UNCLAIMED PROPERTY ACT, AS RECOMMENDED BY THE  
5 GENERAL STATUTES COMMISSION.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 28A-22-9 reads as rewritten:

8 "**§ 28A-22-9. Distribution to known but unlocated devisees or heirs.**

9 (a) If there are known but unlocated devisees or heirs, the personal representative  
10 may deliver the share of such devisee or heir to the clerk of superior court immediately  
11 prior to filing of the final account. If the devisee or heir is located after the final account  
12 has been filed, he may present a claim for the share to the clerk. If the clerk determines  
13 that the claimant is entitled to the share, he shall deliver the share to the devisee or  
14 claimant. If the clerk denies the claim, the claimant may take an appeal as in a special  
15 proceeding.

16 (b) The clerk shall hold the share without liability for profit or interest. If no  
17 claim has been presented within a period of ~~five years~~ one year after the filing of the  
18 final account, the clerk shall deliver the share to the State Treasurer as abandoned  
19 property.

20 (c) The clerk shall not be required to publish any notice to such devisee or heir  
21 and shall not be required to report such share to the State Treasurer. If the devisee or  
22 heir is located, the clerk shall inform the devisee or heir that he is entitled to file a claim  
23 with the State Treasurer for the share under the provisions of ~~G.S. 116B-38(a)~~. G.S.  
24 116B-67."

25 **SECTION 2.** This act becomes effective October 1, 2002.