

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE DRH80175-LUz-36 (02/12)**

Short Title: Raise Ceil'g/Personal Prop. Sale/Guardianship. (Public)

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Sponsors: Representative Bordsen.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO RAISE THE CEILING ON THE TOTAL AMOUNT OF PERSONAL PROPERTY A GUARDIAN IS ALLOWED TO SELL WITHOUT A COURT ORDER UNDER THE LAWS PERTAINING TO GUARDIANSHIP AS RECOMMENDED BY THE HOUSE STUDY COMMITTEE ON STATE GUARDIANSHIP LAWS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 35A-1251(17)a. reads as rewritten:

"In the case of an incompetent ward, a general guardian or guardian of the estate has the power to perform in a reasonable and prudent manner every act that a reasonable and prudent person would perform incident to the collection, preservation, management, and use of the ward's estate to accomplish the desired result of administering the ward's estate legally and in the ward's best interest, including but not limited to the following specific powers:

...

(17)a. Without a court order to lease any of the ward's real estate for a term of not more than three years, or to sell, lease or exchange any of the ward's personal property including securities, provided that the aggregate value of all items of the ward's tangible personal property sold without court order over the duration of the estate shall not exceed ~~one thousand five hundred dollars (\$1,500)~~ fifteen thousand dollars (\$15,000). When any item of the ward's tangible personal property has a value which when increased by the value of all other tangible personal property previously sold in the estate without a court order would exceed ~~one thousand five hundred dollars (\$1,500)~~ fifteen thousand dollars (\$15,000), a guardian may sell the item only as provided in subdivision (17)b.

1           ...."

2           **SECTION 2.** G.S. 35A-1252(14)a. reads as rewritten:

3           "In the case of a minor ward, a general guardian or guardian of the estate has the  
4 power to perform in a reasonable and prudent manner every act that a reasonable and  
5 prudent person would perform incident to the collection, preservation, management, and  
6 use of the ward's estate to accomplish the desired result of administering the ward's  
7 estate legally and in the ward's best interest, including but not limited to the following  
8 specific powers:

9           ...

10          (14)a. Without a court order to lease any of the ward's real estate for a term  
11 of not more than three years, or to sell, lease or exchange any of the  
12 ward's personal property including securities, provided that the  
13 aggregate value of all items of the ward's tangible personal property  
14 sold without court order over the duration of the estate shall not exceed  
15 ~~one thousand five hundred dollars (\$1,500)~~ fifteen thousand dollars  
16 (\$15,000). When any item of the ward's tangible personal property has  
17 a value which when increased by the value of all other tangible  
18 personal property previously sold in the estate without a court order  
19 would exceed ~~one thousand five hundred dollars (\$1,500)~~ fifteen  
20 thousand dollars (\$15,000), a guardian may sell the item only as  
21 provided in subdivision (14)b.

22          ...."

23          **SECTION 3.** This act is effective when it becomes law.