

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

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**HOUSE BILL 794**

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

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Sponsors: Representatives Bordsen, Goodwin (Primary Sponsors); Alexander and Hurley.

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Referred to: Aging, if favorable, Judiciary II.

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March 15, 2007

A BILL TO BE ENTITLED

1 AN ACT TO RAISE THE CEILING ON THE TOTAL AMOUNT OF PERSONAL  
2 PROPERTY A GUARDIAN IS ALLOWED TO SELL WITHOUT A COURT  
3 ORDER UNDER THE LAWS PERTAINING TO GUARDIANSHIP AS  
4 RECOMMENDED BY THE HOUSE STUDY COMMITTEE ON STATE  
5 GUARDIANSHIP LAWS.  
6

7 The General Assembly of North Carolina enacts:

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

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

15 ...

16 (17)a. Without a court order to lease any of the ward's real estate for a term  
17 of not more than three years, or to sell, lease or exchange any of the  
18 ward's personal property including securities, provided that the  
19 aggregate value of all items of the ward's tangible personal property  
20 sold without court order over the duration of the estate shall not exceed  
21 ~~one thousand five hundred dollars (\$1,500)~~ fifteen thousand dollars  
22 (\$15,000). When any item of the ward's tangible personal property has  
23 a value which when increased by the value of all other tangible  
24 personal property previously sold in the estate without a court order  
25 would exceed ~~one thousand five hundred dollars (\$1,500)~~ fifteen  
26 thousand dollars (\$15,000), a guardian may sell the item only as  
27 provided in subdivision (17)b.

28 ...."

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

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

8            ...

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

21            ...."

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