

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 186
HOUSE BILL 259

AN ACT TO INCREASE THE SHARE OF A SURVIVING SPOUSE OF AN INTESTATE
DECEDENT AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 29-14 is hereby rewritten to read as follows:

"§ 29-14. **Share of surviving spouse.** — (a) If the intestate is survived by only one child or by any lineal descendant of only one deceased child, and the net estate does not exceed fifteen thousand dollars (\$15,000) in value, the share of the surviving spouse shall be the entire net estate; but if the net estate exceeds fifteen thousand dollars (\$15,000) in value, the share of the surviving spouse shall be fifteen thousand dollars (\$15,000) in value plus one-half of the balance of the net estate; or

(b) If the intestate is survived by two or more children or by one child and any lineal descendant of one or more deceased children, or by lineal descendants of two or more deceased children, and the net estate does not exceed fifteen thousand dollars (\$15,000) in value, the share of the surviving spouse shall be the entire net estate; but if the net estate exceeds fifteen thousand dollars (\$15,000) in value, the share of the surviving spouse shall be fifteen thousand dollars (\$15,000) in value plus one-third of the balance of the net estate; or

(c) If the intestate is not survived by a child, children, or any lineal descendant of a deceased child or children, but is survived by one or more parents, and the net estate does not exceed twenty-five thousand dollars (\$25,000) in value, the share of the surviving spouse shall be the entire net estate; but if the net estate exceeds twenty-five thousand dollars (\$25,000) in value, the share of the surviving spouse shall be twenty-five thousand dollars (\$25,000) in value plus one-half of the balance of the net estate; or

(d) If the intestate is not survived by a child, children, or any lineal descendant of a deceased child or children, or by a parent, the share of the surviving spouse shall be the entire net estate.

(e) If under subsections (a), (b), or (c) of this section the surviving spouse is not entitled to the entire net estate, the surviving spouse may elect to take his or her share wholly in personal property, wholly in real property, or partly in personal property and partly in real property in such proportions as the surviving spouse may elect. The election of the surviving spouse may be made by written instrument filed with the personal representative within seven months after the issuance of letters testamentary or letters of administration. By agreement between the personal representative and the surviving spouse, or by order of the Clerk of Superior Court upon good cause shown, the seven month period for the surviving spouse's election may be extended. If the surviving spouse is the personal representative, any extension shall be granted by the Clerk of Superior Court. If no election is filed within seven months, and no extension has been agreed to or ordered, the personal representative shall distribute the share of the surviving spouse wholly in personal property, wholly in real property, or partly in personal property and partly in real property in such proportions as the personal representative may determine."

Sec. 2. This act shall become effective October 1, 1979 and shall apply to the estates of decedents dying on or after the effective date.

In the General Assembly read three times and ratified, this the 23rd day of March, 1979.