

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1102

Short Title: Estate Claims/Funeral Expenses.

(Public)

Sponsors: Representatives Fussell; and Stamey.

Referred to: Judiciary.

April 7, 1989

A BILL TO BE ENTITLED

AN ACT CONCERNING THE PRIORITY OF CERTAIN FUNERAL EXPENSES AS
A CLAIM AGAINST AN ESTATE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 28A-19-6 reads as rewritten:

"§ 28A-19-6. Order of payment of claims.

After payment of costs and expenses of administration, the claims against the estate of a decedent must be paid in the following order:

First class. Claims which by law have a specific lien on property to an amount not exceeding the value of such property.

Second class. Funeral expenses to the extent of two thousand dollars (\$2,000). This limitation shall ~~not include cemetery lot or gravestone~~ be over and above funeral expenses for cemetery lot and gravestone which are to be paid in the second class without limitation. The preferential limitation herein granted shall be construed to be only a limit with respect to preference of payment and shall not be construed to be a limitation on reasonable funeral expenses which may be incurred; nor shall the preferential limitation of payment in the amount of two thousand dollars (\$2,000) be diminished by any Veterans Administration, social security or other federal governmental benefits awarded to the estate of the decedent or to his or her beneficiaries.

Third class. All dues, taxes, and other claims with preference under the laws of the United States.

Fourth class. All dues, taxes, and other claims with preference under the laws of the State of North Carolina and its subdivisions.

1 Fifth class. Judgments of any court of competent jurisdiction within the State,
2 docketed and in force, to the extent to which they are a lien on the property of the
3 decedent at his death.

4 Sixth class. Wages due to any employee employed by the decedent, which claim for
5 wages shall not extend to a period of more than 12 months next preceding the death; or
6 if such employee was employed for the year current at the decease, then from the time
7 of such employment; for medical services within the 12 months preceding the decease;
8 for drugs and all other medical supplies necessary for the treatment of such decedent
9 during the last illness of such decedent, said period of last illness not to exceed 12
10 months.

11 Seventh class. All other claims."

12 Sec. 2. This act shall become effective October 1, 1989.