

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 528

Short Title: Real Prop. Devolution Statement.

(Public)

Sponsors: Senator Ezzell.

Referred to: Judiciary I.

March 20, 1989

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A STATEMENT LISTING THE DEVISEES OR HEIRS OF
REAL PROPERTY AS RECOMMENDED BY THE GENERAL STATUTES
COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Article 13 of Chapter 28A of the General Statutes is hereby
amended by adding a new section thereto to read as follows:

**"§ 28A-13-11. Decedents' estates involving passage of title to real property; duties
of personal representative.**

(a) The personal representative of a decedent who died owning an interest in real
property located in North Carolina shall file with the register of deeds in each county in
which the real property is located a written statement showing the name of the decedent
as grantor and the name of each devisee, heir or other beneficiary as grantee. Where the
decedent owned real property located in more than one county in North Carolina, a
separate statement shall be filed in each county for the real property in that county. The
statement shall be filed as soon as the devisee, heir or other beneficiary is, in the
judgment of the personal representative, definite and certain, but in no event later than
the filing of the final account. In accordance with the provisions of Chapter 161, the
register of deeds shall register and index the statement in the appropriate grantor and
grantee indexes and charge the recording and indexing fees provided for by law. A
copy of the statement evidencing the date the original was filed shall be filed by the
personal representative with the clerk of superior court who issued his letters of
administration or letters testamentary. The clerk of superior court shall then place the
copy in the estate file of the decedent.

1 (b) The following form may be used to comply with the provisions of subsection

2 (a):

3 'State of North Carolina

4 County of _____

Estate File Number _____

5
6 **STATEMENT OF PASSAGE OF TITLE TO**
7 **REALTY FROM DECEASED OWNER**
8

9 ESTATE CLASSIFICATION (check one only):

10 testate

intestate

11
12 DECEASED OWNER - GRANTOR

13 TO

14 Devisee(s) Under Will or Heir(s)

15 At Law

16 Name and Address

Percentage, Interest or
17 Estate

18
19
20
21 **DESCRIPTION OF REAL ESTATE**
22 **(INCLUDE DECEASED OWNER-GRANTOR'S**
23 **SOURCE OF TITLE)**
24

25
26
27 Filed by

28 As _____ of the subject
29 estate.

30 Date: _____, 19
31

32 (c) This section shall not apply to real property passing by right of survivorship.

33 (d) The purpose of the statement provided for by this section is to facilitate the
34 examination of real property records and the presence or absence of the statement shall
35 have no effect on the marketability of title."

36 Sec. 2. Article 2 of Chapter 28A is hereby amended by adding a new section
37 thereto to read as follows:

38 **"§ 28A-2-4. Clerk to require G.S. 28A-13-11 statement showing devisee or heir of**
39 **real property.**

40 Whenever the estate of a decedent who died owning an interest in real property
41 located in North Carolina is administered in North Carolina, the clerk who appointed the
42 personal representative shall not discharge the personal representative until he has
43 complied with the provisions of G.S. 28A-13-11 for all interests in real property listed
44 in the estate inventory."

1 Sec. 3. This act shall become effective January 1, 1990, and shall apply to
2 the estates of decedents dying on or after that date.