

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 774  
Judiciary I Committee Substitute Adopted 5/8/91

Short Title: Annual Accounting/Probate.

(Public)

Sponsors:

Referred to:

April 24, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH THE USE OF FISCAL YEARS FOR PROBATE  
3 ACCOUNTING PURPOSES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 28A-21-1 reads as rewritten:

6 "**§ 28A-21-1. Annual accounts.**

7 Until the final account has been filed pursuant to G.S. 28A-21-2, the personal  
8 representative or collector shall, ~~within 30 days after the expiration of one year from the date~~  
9 ~~of his qualification and annually,~~ for so long as any of the property of the estate remains in  
10 his control, custody or possession, file annually in the office of the clerk of superior  
11 court an inventory and account, under oath, of the amount of property received by him,  
12 or invested by him, and the manner and nature of such investment, and his receipts and  
13 disbursements for the past year. The clerk of superior court in his discretion may allow the  
14 personal representative or collector to adopt a substitute date for the filing of the first and  
15 subsequent annual accounts; provided that the first account using the substitute date must be  
16 filed within one year of the opening of the estate or filing of a previous annual account. Such  
17 accounts shall be due by the fifteenth day of the fourth month after the close of the  
18 fiscal year selected by the personal representative or collector, and annually thereafter.  
19 The election of a fiscal year shall be made by the personal representative or collector  
20 upon filing of the first annual account. In no event may a personal representative or  
21 collector select a fiscal year-end which is more than twelve months from the date of  
22 death of the decedent or, in the case of trust administration, the date of the opening of

1 the trust. Any fiscal year selected may not be changed without the permission of the  
2 clerk of superior court.

3       The personal representative or collector shall produce vouchers for all payments or  
4 verified proof for payments in lieu of vouchers. The clerk of superior court may  
5 examine, under oath, such accounting party, or any other person, concerning the  
6 receipts, disbursements or any other matter relating to the estate. He must carefully  
7 review and audit such account and, if he approves the account, he must endorse his  
8 approval thereon, which shall be **prima facie** evidence of correctness, and cause the  
9 same to be recorded."

10               Sec. 2. This act is effective upon ratification.