

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 537

Short Title: Estate Accounting/Liability.

(Public)

Sponsors: Senator Hartsell (by request).

Referred to: Judiciary II.

March 24, 1993

A BILL TO BE ENTITLED

1 AN ACT TO IMPLEMENT A RECOMMENDATION OF THE GENERAL
2 STATUTES COMMISSION TO MAKE IT CLEAR THAT HEIRS OR DEVISEES
3 MAY MOVE TO COMPEL THE FILING OF AN ACCOUNT IN A DECEDENT'S
4 ESTATE AND TO MAKE THE PERSONAL REPRESENTATIVE OR
5 COLLECTOR PERSONALLY LIABLE FOR THE COSTS OF A PROCEEDING
6 TO COMPEL THE FILING OF THE ACCOUNT.
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8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 28A-21-4 reads as rewritten:

10 "**§ 28A-21-4. Clerk may compel account.**

11 (a) If any personal representative or collector fails to account as directed in G.S.
12 28A-9-3, 28A-21-1 or 28A-21-2 or renders an unsatisfactory account, the clerk of
13 superior court shall, upon his own motion or upon the request of one or more ~~creditors~~
14 creditors, heirs, or devisees of the decedent or other interested party, promptly order
15 such personal representative or collector to render a full satisfactory account within 20
16 days after service of the order. If, after due service of the order, the personal
17 representative or collector does not on or before the return day of the order file such
18 account, or obtain further time in which to file it, the clerk may remove him from office
19 or may issue an attachment against him for a contempt and commit him until he files
20 said account.

21 (b) The personal representative or collector shall be personally liable for the costs
22 of any proceeding incident to his failure to file the account required by G.S. 28A-9-3,
23 28A-21-1, or 28A-21-2. Such costs shall be taxed against him by the clerk of superior

1 court and may be collected by deduction from any commissions which may be found
2 due the personal representative or collector upon final settlement of the estate."

3 Sec. 2. This act becomes effective October 1, 1993, and applies to orders to
4 compel an accounting entered on or after that date.