

April 15, 1999

S 1003. GIFTS BY GUARDIANS. *TO AMEND THE STATUTES REGULATING THE ABILITY OF GUARDIANS TO MAKE GIFTS FROM INCOMPETENT WARDS' ESTATES UNDER CERTAIN CIRCUMSTANCES.* Removes proviso in GS 35A-1336 (gifts for governmental or charitable purposes) requiring that income of estate following gift be at least twice the average annual expenditures for the ward and his or her dependents. Adds new GS 35A-1336.1 authorizing guardian or trustee, with approval of judge, to make gifts from estate income to certain individual relatives, potential heirs, or beneficiaries if judge determines that such gifts to these individuals meet criteria specified in new law. Adds new GS 35A-1341.1 authorizing guardian or trustee, with approval of judge, to make gifts from estate principal to certain individual relatives, potential heirs, or beneficiaries if judge determines that such gifts to these individuals meet criteria specified in new law. Amends GS 35A-1340 (gifts from estate principal) to define assets included in incompetent's estate. Effective Oct. 1, 1999.

Intro. by Kinnaid.

Ref. to Judiciary II

GS 35A

April 28, 1999

S 1003. GIFTS BY GUARDIANS. Intro. 4/15/99. Senate committee substitute makes the following changes to 1st edition. Adds to list of findings a judge must make under GS 35A-1341, sufficient credible evidence that the proposed gift is of a nature which the incompetent would have approved prior to being declared incompetent. Makes other technical changes.

April 29, 1999

S 1003. GIFTS BY GUARDIANS. Intro. 4/15/99. Senate amendment makes the following changes to 1st edition. Amends the bill in several places to specifically include gifts to the guardian among the authorized gifts, and makes technical change.

June 14, 1999

S 1003. GIFTS BY GUARDIANS. Intro. 4/15/99. House committee substitute makes no substantive changes to 3rd edition.