

March 12, 2003

S 394. EQU. DIS. CLAIM SURVIVE DEATH SPOUSE/LIMIT. ALLOWING A CLAIM FOR EQUITABLE DISTRIBUTION TO SURVIVE THE DEATH OF A SPOUSE WHEN THE PARTIES ARE LIVING SEPARATE AND APART AT THE TIME OF DEATH AND THE CLAIM IS FILED WITHIN SIX MONTHS OF THE DATE OF DEATH. Amends GS 50-20(l) as title indicates.

Intro. by Rand.

Ref. to Judiciary I	GS 50
---------------------	-------

April 14, 2003

S 394. EQU. DIS. CLAIM SURVIVE DEATH SPOUSE/LIMIT. Intro. 3/12/03. Senate committee substitute makes the following changes to 1st edition. Clarifies that an action for equitable distribution brought against an estate is an action to determine the assets of the estate and that the action is a claim of the seventh class. G.S 28A-19-19 is amended to clarify that the personal representative of a deceased spouse can file an action for equitable distribution, and that the personal representative can enter into settlements relating to the distribution of marital and divisible property.

May 13, 2003

S 394. EQU. DIS. CLAIM SURVIVE DEATH SPOUSE/LIMIT. Intro. 3/12/03. House committee substitute makes the following changes to 2nd edition. Deletes GS 50-20(l)(4) (district court proper forum) and (5) (seventh class claim under GS 28A-19-6) and amends GS 50-20(l)(3) to require that an action for equitable distribution be filed within three years (was, six months) of deceased spouse's death. Makes technical corrections.

May 28, 2003

S 394. EQU. DIS. CLAIM SURVIVE DEATH SPOUSE/LIMIT. Intro. 3/12/03. House amendment makes the following changes to 3rd edition. (1) Amends proposed new GS 50-20(3) by reducing the time within which a claim for equitable distribution against a surviving spouse must be filed with the district court by the estate of a deceased spouse from three years from the date of death to one year from the date of death. (2) Deletes proposed new subsection (d) of proposed new GS 28A-19-19, which would have made a claim for equitable distribution a claim of the seventh class under GS 28A-19-6. (3) Changes effective date provision from "This act is effective when it becomes law and applies to actions pending or filed on or after that date" to "This act is effective when it becomes law."