

March 10, 2005

H 561. COMMISSIONS FOR PERSONAL REPRESENTATIVES. RELATING TO COMMISSIONS ALLOWED TO PERSONAL REPRESENTATIVES. Amends GS 28A-23-3 to provide that in determining the maximum commissions allowable to a personal representative in a decedent's estate the clerk is not required to reduce that amount by the amounts paid by the personal representatives for professional services even if the amounts for professional services exceed the maximum 5% commission. Provides that statutory provisions regarding setting of commissions do not apply if will or contract between the testator and personal representative, or between the personal representative and beneficiaries whose shares would be charged with payment of the commission, specifies a stipulated amount or method or standard for determining the compensation for the personal representative. However, if the will or contract provides that the personal representative is to receive "reasonable compensation" or "compensation as provided by law," statutory provisions in setting commissions apply. Effective for commissions paid on or after January 1, 2006.

Intro. by Haire.

Ref. to Judiciary III

GS 28A

May 2, 2005

H 561. COMMISSIONS FOR PERSONAL REPRESENTATIVES. Intro. 3/10/05. House committee substitute makes the following changes to 1st edition. (1) Provides that the clerk may take into account professional fees paid by the estate in determining the maximum commissions allowable but need not reduce those maximum commissions on account of the professional fees (originally provided only that the clerk was not required to reduce the maximum commissions because of professional fees paid by the estate). (2) Modifies proposed GS 28A-23-3(g) to delete provision that statutory maximum does not apply when a contract with the personal representative specifies an amount or method for determining amount. (3) Adds provision to GS 28A-19-6 (order of payment of claims against estate) to provide that if personal representative's commissions under GS 28A-19-6 will cause the estate to be unable to pay all claims against the estate, then the commissions must be limited to the amount permitted under GS 28A-23-3(a).

August 11, 2005

H 561. COMMISSIONS FOR PERSONAL REPRESENTATIVES. Intro. 3/10/05. Senate committee substitute makes the following changes to 2nd edition. Amends GS 28A-19-6 order of payment of claims against an estate to establish an additional class for claims for equitable distributions. Makes technical changes.

September 21, 2005

SL 2005-388 (H 561). COMMISSIONS FOR PERSONAL REPRESENTATIVES. AN ACT RELATING TO COMMISSIONS ALLOWED TO PERSONAL REPRESENTATIVES. Summarized in *Daily Bulletin* 3/10/05, 5/2/05, and 8/11/05. Enacted September 13, 2005. Effective January 1, 2006.