

March 14, 2007

**H 775. REVISE SIMULTANEOUS DEATH ACT.** Filed 03/14/07. *TO REVISE THE UNIFORM SIMULTANEOUS DEATH ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

To be summarized in tomorrow's *Daily Bulletin*.

**Intro. by Ross.**

GS 28A,29,31,31A

March 15, 2007

**H 775. REVISE SIMULTANEOUS DEATH ACT.** Filed 03/14/07. *TO REVISE THE UNIFORM SIMULTANEOUS DEATH ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

This act completely rewrites GS Chapter 28A, Article 24, the Uniform Simultaneous Death Act, which provides for title to property or devolution of property when two persons with an interest in property that depends upon the order of their deaths die simultaneously. Under current law, when a person's right to succeed to any interest in property depends upon their surviving another person, the person with the right of succession is deemed to have predeceased the other person when both die simultaneously. As revised, the act provides that in these circumstances, when a person with the right of succession fails to survive the other person by at least 120 hours, they are deemed to have predeceased the other person. Both under current law and under the act as rewritten, when co-owners of property with right of survivorship die simultaneously, one-half of the property passes as if one had survived and one-half passes as if the other had survived; where there are more than two co-owners with right of survivorship, the property passes to the estates of each of the co-owners in proportionate share. If one of the co-owners of property with the right of survivorship does not survive the other or others by 120 hours, the co-owners will be deemed to have died simultaneously. The proposal also replaces the *no sufficient evidence* standard of proof of survivorship with a *clear and convincing evidence* standard of proof, thereby requiring that survival by at least 120 hours must be shown by clear and convincing evidence. Under the proposal, the 120-hour survival requirement does not apply under specified circumstances, for example, if the governing instrument expressly indicates a contrary intent or the application of the 120-hour survival requirement would result in an escheat of the property. Applies to determinations of title to or devolution of property dependent upon the death of an individual occurring on or after October 1, 2007.

**Intro. by Ross.**

GS 28A, 29, 31, 31A

June 29, 2007

**SL 2007-132 (H 775). REVISE SIMULTANEOUS DEATH ACT. AN ACT TO REVISE THE UNIFORM SIMULTANEOUS DEATH ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.** Summarized in *Daily Bulletin* 3/15/07. Enacted June 27, 2007. Effective October 1, 2007.