

April 9, 2009

H 1390. WILLS/BEQUESTS TO DRAFTING ATTORNEY. Filed 4/9/09. *TO RENDER VOID ANY BEQUEST OR DEVISE IN A WILL TO THE ATTORNEY WHO DRAFTED THE WILL UNLESS THE ATTORNEY IS A RELATIVE OF THE TESTATOR.*

Amends GS Chapter 31 by adding new GS 31-4.1 providing that an attorney who drafts an attested written will or codicil to an attested written will may not be a beneficiary under that will unless the attorney is a relative within five degrees of kinship. Amends GS 31-32(b) by adding a new subdivision (2) providing that a caveat to the probate of a will must be filed within five years of the date of probate for a will in which the attorney who drafts the will is named as a beneficiary in violation of new GS 31-4.1. Makes conforming changes. Applies to wills executed on or after January 1, 2010.

Intro. by Mackey.

GS 31

May 7, 2009

H 1390. WILLS/BEQUESTS TO DRAFTING ATTORNEY. Filed 4/9/09. House committee substitute makes the following changes to 1st edition.

Amends proposed GS 31-4.1 to clarify that an attorney who drafts an attested written will or a codicil to an attested will is disallowed from being a beneficiary under the will or the codicil (was, will). Expands the exception to the prohibition against the drafting attorney being a beneficiary under the will or codicil to include a present or former spouse of the testator (person who makes a valid will), or a parent, sibling, or child of the testator's present or former spouse. Provides that designation of the attorney in a fiduciary role is neither a bequest nor a devise within the meaning of this statute. Directs an attorney who drafts an attested will, or a codicil to an attested will, under which the attorney is a beneficiary to attach an affidavit to the will or codicil certifying that the attorney is in compliance with the provisions of this section. Clarifies that nothing in this section prohibits an attorney from being a beneficiary under a codicil to a will if the attorney did not draft the codicil.

Deletes proposed amendments to GS 31-32 regarding the filing of a caveat to the probate of a will.

May 14, 2009

H 1390. WILLS/BEQUESTS TO DRAFTING ATTORNEY. Filed 4/9/09. House amendment makes the following changes to 1st edition. Changes the title to *AN ACT TO RENDER VOID ANY BEQUEST OR DEVISE IN A WILL TO THE ATTORNEY WHO DRAFTED THE WILL UNLESS THE ATTORNEY IS A RELATIVE OF THE TESTATOR, AND TO REQUIRE ATTORNEYS WHO DRAFT A WILL OR CODICIL TO STATE THEIR NAME ON THE DOCUMENT.* Amends GS Chapter 31 by adding a new section to require an attorney, who drafts an attested written will or a codicil to an attested written will, to (1) affix his or her name to the will or codicil and (2) indicate that he or she is the drafter of the will. Provides that the act applies to wills and codicils (was, applies to wills) executed on or after the effective date of the act, January 1, 2010.

June 29, 2009

SL 2009-182 (H 1390). WILLS/BEQUESTS TO DRAFTING ATTORNEY. AN ACT TO RENDER VOID ANY BEQUEST OR DEVISE IN A WILL TO THE ATTORNEY WHO DRAFTED THE WILL UNLESS THE ATTORNEY IS A RELATIVE OF THE TESTATOR, AND TO REQUIRE ATTORNEYS WHO DRAFT A WILL OR CODICIL TO STATE THEIR NAME ON THE DOCUMENT. Summarized in *Daily Bulletin* 4/9/09, 5/7/09, and 5/14/09. Enacted June 26, 2009. Effective January 1, 2010.