

March 9, 2009

S 483. CLARIFY JUDICIAL CREATION OF TRUST. Filed 3/9/09. *TO CLARIFY THAT COURTS IN NORTH CAROLINA HAVE THE AUTHORITY TO CREATE TRUSTS BY JUDICIAL ORDER OR JUDGMENT IN CASES PROPERLY BEFORE THE COURT; AND TO SPECIFICALLY PROVIDE THAT NORTH CAROLINA COURTS HAVE THE RIGHT TO CREATE TRUSTS PURSUANT TO 42 U.S.C. § 1396P(D)(4)(A).*

Amends GS 36C-2-203 as the title indicates. Enacts new GS 36C-4-401.2 allowing any interested party to petition the court to establish a trust according to 42 U.S.C. § 1396p(d)(4). Provides that this is not the exclusive way to establish a trust and that the court maintains its authority to create or establish any trust by means of judgment, order, or decree in any matter properly before the court. Makes a conforming change to GS 36C-4-401. Effective October 1, 2009.

Intro. by Hartsell.

GS 36C

July 13, 2009

SL 2009-267 (S 483). CLARIFY JUDICIAL CREATION OF TRUST. AN ACT TO CLARIFY THAT COURTS IN NORTH CAROLINA HAVE THE AUTHORITY TO CREATE TRUSTS BY JUDICIAL ORDER OR JUDGMENT IN CASES PROPERLY BEFORE THE COURT; AND TO SPECIFICALLY PROVIDE THAT NORTH CAROLINA COURTS HAVE THE RIGHT TO CREATE TRUSTS PURSUANT TO 42 U.S.C. § 1396P(D)(4)(A). Summarized in *Daily Bulletin* 3/9/09. Enacted July 10, 2009. Effective October 1, 2009.