

March 19, 2009

**S 724. EFFECT OF CAVEAT ON ESTATE ADMINISTRATION.** Filed 3/19/09. *TO ALLOW FOR CERTAIN PAYMENTS OF AN ESTATE WHILE A CAVEAT IS PENDING.*

Amends GS 31-36 to provide that where a caveat is entered regarding a will, during the pendency of the caveat there shall be no distribution of assets to any beneficiary and no commissions advanced or awarded to any personal representative. During this period the personal representative is to (1) file all required accountings and may pay the applicable fees for such; (2) preserve the property of the estate, and pursue and prosecute claims the estate may have against others; and (3) file tax returns and pay taxes, funeral expenses of the decedent, liens upon the decedent's property, bills the decedent accrued before death, claims that have been timely filed, and professional fees for administration of the estate. Sets the process for providing notice to clerk of intent to pay these authorized items with copies to all parties to the caveat, for filing of written objections to payment, and for hearings by the clerk to resolve those objections. The clerk may approve payments without hearing if there are no objections filed or the parties consent. Provides that clerk may determine unresolved issues regarding the use, location, and disposition of assets. Provides for the process for requesting a hearing before the clerk concerning unresolved questions. Decisions of the clerk may be appealed to superior court. Effective October 1, 2009, and applicable to estates of decedents dying on or after that date.

**Intro. by Berger of Rockingham.**

GS 31

June 22, 2009

**SL 2009-131 (S 724). EFFECT OF CAVEAT ON ESTATE ADMINISTRATION. AN ACT TO ALLOW FOR CERTAIN PAYMENTS OF AN ESTATE WHILE A CAVEAT IS PENDING.**

Summarized in *Daily Bulletin* 3/19/09. Enacted June 19, 2009. Effective October 1, 2009.