

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1107
PROPOSED COMMITTEE SUBSTITUTE H1107-PCS70389-TC-31

Short Title: Alimony and Postseparation Support Waiver.

(Public)

Sponsors:

Referred to:

April 7, 2009

A BILL TO BE ENTITLED

AN ACT AMENDING THE LAWS PERTAINING TO CONTRACTS BETWEEN A
HUSBAND AND WIFE TO ALLOW A SPOUSE TO WAIVE OR ESTABLISH
ALIMONY AND POSTSEPARATION SUPPORT DURING THE MARRIAGE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 52-10 is amended by adding the following new subsection to read:

"(a1) A contract between a husband and wife to waive, release, or establish rights and obligations to postseparation support, alimony, or spousal support is valid and not inconsistent with public policy, with or without valuable consideration, if the contract is in writing and is acknowledged by both parties before a certifying officer. A release made pursuant to this subsection may be pleaded in bar of any action or proceeding for the recovery of the rights released."

SECTION 2. G.S. 50-16.6(b) reads as rewritten:

"(b) Alimony, postseparation support, and counsel fees may be barred by an express provision of a valid separation ~~agreement or premarital agreement~~ agreement, premarital agreement, or marital contract made pursuant to G.S. 52-10(a1) so long as the agreement is performed."

SECTION 3. This act is effective when it becomes law.

