

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 773*

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

S773-AMN-44 [v.1]

Page 1 of 2

Comm. Sub. [YES]
Amends Title [YES]
Second Edition

Date _____, 2014

Senator Hartsell

1 moves to amend the bill on page 1, line 2, by inserting "(I)" between the word "IMPLEMENT"
2 and the phrase "THE RECOMMENDATIONS"; and

3
4 on page 1, line 10, by rewriting the line to read:

5
6 "RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND (II) THE
7 RECOMMENDATIONS OF THE NORTH CAROLINA BAR ASSOCIATION TO
8 CLARIFY THE REQUIREMENTS FOR THE TIMELY SUBSTITUTION OF A
9 PERSONAL REPRESENTATIVE IN PLACE OF A DECEDENT IN AN ACTION
10 PENDING AT THE DECEDENT'S DEATH AND TO CLARIFY THAT THE COMMON
11 LAW RULE AGAINST ACCUMULATIONS DOES NOT APPLY TO TRUSTS IN THIS
12 STATE.";

13
14 and on page 11, lines 31 through 33, by rewriting the lines to read:

15
16 **"PART IV. CLARIFY TIME FRAME FOR SUBSTITUTION OF PERSONAL**
17 **REPRESENTATIVE**

18 **SECTION 4.1.** G.S. 28A-19-1(c) reads as rewritten:

19 "(c) In an action pending against the decedent at the time of the decedent's death, which
20 action survives at law, the court may order the substitution of the personal representative or
21 collector for the decedent on motion therefor and that motion will constitute the presentation of
22 ~~a claim, provided that substitution occurs within the time specified for the presentation of~~
23 ~~claims under G.S. 28A-19-3, any claim pending in the action, provided that the substitution or a~~
24 motion for substitution is made within the time specified for the presentation of claims under
25 G.S. 28A-19-3, and no further presentation is necessary. Such claim will be deemed to have
26 been presented from the time of the substitution, or motion therefor. Neither the timely
27 substitution of the personal representative nor timely motion therefor as provided in this
28 subsection extends the time for filing additional claims."

29
30 **PART V. CLARIFY THAT COMMON LAW RULE AGAINST ACCUMULATIONS**
31 **NO LONGER APPLIES TO TRUSTS**

32 **SECTION 5.1.** G.S. 41-23(h) reads as rewritten:



* S 7 7 3 - A M N - 4 4 - V - 1 *

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1 "(h) The provisions of ~~G.S. 41-15 and G.S. 41-15~~, the common law rule against
2 ~~perpetuities-perpetuities~~, and the common law rule against accumulations do not apply to trusts
3 created or administered in this State."
4

5 **PART VI. EFFECTIVE DATE**

6 **SECTION 6.1.** Except as otherwise provided, this act is effective when it becomes
7 law."
8
9
10
11

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
Senate Principal Clerk's Office**