

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

H.B. 537  
Mar 26, 2025  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30237-MQ-81

Short Title: Alena's Law.

(Public)

Sponsors: Representative Greene.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW FOR A PRESUMPTION OF DEATH IN INSTANCES WHERE THE  
3 DISAPPEARANCE AND CONTINUED ABSENCE OF A PERSON COINCIDES WITH  
4 A DISASTER DECLARATION.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 28C-1 reads as rewritten:

7 "§ 28C-1. **Death not presumed from seven years' absence; exposure to peril and certain**  
8 **presumptions to be considered.**

9 (a) **Death Not to Be Presumed from Mere Absence.** – In any action under this Chapter,  
10 where the death of a person and the date thereof, or either, is in issue the fact that he has been  
11 absent from his place of residence, unheard of for seven years, or for any other period, creates no  
12 presumption requiring the judge or the jury to find that he is now deceased. The issue shall be  
13 decided by the judge as one of fact upon the evidence.

14 (b) **Exposure to Specific Peril to Be Considered.** – If during such absence the person has  
15 been exposed to a specific peril of death, this fact shall be considered by the judge; or if there be  
16 a jury, shall be sufficient evidence to be submitted to the jury.

17 (c) **Federal Finding of Presumed Death.** – A written finding of presumed death, as  
18 described in G.S. 8-37.1, shall be prima facie evidence to be considered by the judge; or if there  
19 be a jury, shall be sufficient evidence to be submitted to the jury.

20 (d) **Disappearance Coincident to Disaster Declaration.** – The disappearance and  
21 continued absence for at least 90 days of a person that coincides with a disaster declaration, as  
22 defined in G.S. 166A-19.3, or a federally declared disaster, shall create a rebuttable presumption  
23 of the death of a person."

24 SECTION 2. G.S. 28C-2 reads as rewritten:

25 "§ 28C-2. **Action for receiver; contents of complaint; parties.**

26 (a) **Action for Receiver to Be Instituted in the Superior Court.** – If any person having an  
27 interest in any property in this State disappears and is absent from ~~his~~that person's place of  
28 residence and after diligent inquiry his whereabouts remains unknown to those persons most  
29 likely to know the same, for a period of 30 days or more, anyone who would be entitled to  
30 administer the estate of such absentee if ~~he~~the person were deceased, or any interested person,  
31 may commence a civil action and file a duly verified complaint in the superior court of either the  
32 county of such absentee's domicile, or the county where any of ~~his~~the absentee's property is  
33 situated.

34 (b) **Contents of the Complaint.** – The complaint shall contain the following:

35 (1) The name, age, occupation, and last known residence or address of such  
36 ~~absentee;~~absentee.



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- 1           (2)    The date and circumstances of ~~his disappearance;~~the absentee's  
2                    disappearance.
- 3           (2a) If applicable, either of the following:
- 4                    a.    The existence of a written finding of presumed death, as described in  
5                            G.S. 8-37.1.
- 6                    b.    An averment of disappearance and continued absence for at least 90  
7                            days coincident to a disaster declaration under G.S. 166A-19.3 or a  
8                            federally declared disaster.
- 9           (3)    So far as known, a schedule of all his property within this State, including  
10                   property in which ~~he the absentee~~ has an interest as tenant by the entirety, and  
11                   other property in which ~~he the absentee~~ is co-owner with or without the right  
12                   of ~~survivorship;~~survivorship.
- 13           (4)    The names and addresses of the person who would have an interest in the  
14                   estate of such absentee if ~~he the absentee~~ were ~~deceased;~~deceased.
- 15           (5)    The names and addresses of all persons known to the complainant to claim an  
16                   interest in the absentee's ~~property;~~ and property.
- 17           (6)    A prayer, that ancillary to the principal action, a receiver be appointed by  
18                   virtue of the provisions of this Chapter to take custody and control of such  
19                   property of the absentee and to preserve and manage the same pending final  
20                   disposition of the action as provided in G.S. 28C-11.
- 21           (c)    Parties to the Action. – The absentee, all persons who would have an interest in the  
22                   estate of such absentee if ~~he the absentee~~ were deceased, all persons known to claim an interest  
23                   in the absentee's property, and all known insurers of the life of the absentee shall be made parties  
24                   to the action. A guardian ad litem shall be appointed for the absentee, and shall file an answer in  
25                   ~~his the absentee's~~ behalf."

26                   **SECTION 3.** This act is effective when it becomes law and applies to complaints for  
27                   actions for receiver filed on or after that date.