

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 377

AMENDMENT NO. A2  
(to be filled in by  
Principal Clerk)

H377-ACE-133 [v.1]

Page 1 of 2

Amends Title [NO]  
Third Edition

Date \_\_\_\_\_, 2026

Senator Daniel

1 moves to amend the bill on page 7, lines 14-42, by rewriting the lines to read:

2 **"MODIFY SAFEKEEPING STATUTE RELATED TO WILLS**

3 **SECTION 10.(a)** G.S. 31-11 reads as rewritten:

4 **"§ 31-11. Depositories in offices of clerks of superior court where living persons may file**  
5 **deposit wills.**

6 (a) The clerk of the superior court in each county of North Carolina is required to keep a  
7 receptacle or depository in which any testator who desires to do so may deposit that testator's  
8 original paper will for safekeeping. The clerk is only authorized to receive the will from the  
9 testator, ~~or an~~ a testator's agent under a valid power of attorney, or an attorney for the testator.  
10 Once a testator has died, the clerk is not authorized to receive the will for the clerk's receptacle  
11 or depository from any agent or attorney for the testator.

12 (b) The clerk shall, upon written request of the testator, ~~or the duly authorized~~ a testator's  
13 agent under a valid power of attorney, or an attorney for the testator, permit said will or testament  
14 to be withdrawn from said depository or receptacle at any time prior to the death of the testator.

15 (c) While in the clerk's receptacle or depository, the contents of said will shall not be  
16 made public or open to the inspection of anyone other than the ~~testator or the testator's duly~~  
17 authorized agent or attorney ~~testator~~, a testator's agent under a valid power of attorney, or an  
18 attorney for the testator until the testator has died. Once the clerk has received proof of the  
19 testator's death, the clerk is authorized to allow the will to be made open to the inspection of any  
20 person interested in the testator's estate. The will shall remain in the clerk's receptacle or  
21 depository until the will is offered for ~~probate~~ probate or filed with the clerk without probate.

22 (d) The clerk is required to retain the original paper will until withdrawn, probated or  
23 filed in the deceased testator's estate file, or once 60 years have passed since the will was  
24 originally deposited with the clerk. If after 60 years the will has not been withdrawn or filed in  
25 the deceased testator's estate file, the clerk is authorized to comply with records retention rules  
26 for deposited wills set by the Director of the Administrative Office of the Courts."

27 **SECTION 10.(b)** This section becomes effective October 1, 2026."



\* H 3 7 7 - A C E - 1 3 3 - V - 1 \*

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SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

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and vote information, is available in the  
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