

Proposed technical correction:

SECTION #. G.S. 30-48, as enacted by Section 51 of S.L. 2025-25, reads as rewritten:

"§ 30-48. Right of surviving community-property spouse.

(a) The surviving community-property spouse of a decedent may assert a claim for relief with respect to a right under this Article in accordance with the following:

(1) With respect to a claim for relief asserting a right in or to property, the surviving community-property spouse must do either of the following:

a. Within one year of the decedent's date of death, commence a civil action in superior court against an heir, devisee, or nonprobate transferee that is in possession of the property.

b. Within six months after the issuance of letters testamentary or letters of administration in connection with the decedent's testate or intestate proceeding, file a petition with the clerk of superior court or commence a civil action in superior court in the county in which the primary administration of the decedent's estate lies. A petition with the clerk of superior court shall be filed as an estate proceeding, and the proceeding shall be conducted in accordance with the procedures of Article 2 of Chapter 28A of the General Statutes.

(2) With respect to a claim for relief other than a claim under subdivision (a)(1) of this section, the surviving community-property spouse must do either of the following:

a. If a personal representative of the decedent's estate is not appointed, commence a civil action in superior court within one year of the decedent's date of death.

b. Satisfy the procedural requirements of sub-subdivision (a)(1)b. of this section.

(3) The incapacity of the surviving community-property spouse does not toll the time for commencing an action or filing a petition as provided in this section.

(b) Unless a timely demand is made under sub-subdivision (a)(1)b. or (a)(2)b. of this section, the personal representative may distribute the assets of the decedent's estate without personal liability for a community-property spouse's claim under this Article."

Explanation: This proposed technical correction replaces "spouse" with "community-property spouse" in subdivision (a)(3) because "community-property spouse" is a defined term in G.S. 30-42.

Session law excerpt:

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025**

**SESSION LAW 2025-25
HOUSE BILL 40**

**AN ACT TO ENACT VARIOUS RECOMMENDATIONS OF THE GENERAL STATUTES
COMMISSION.**

The General Assembly of North Carolina enacts:

1 ...

2 **PART VII. UNIFORM COMMUNITY PROPERTY DISPOSITION AT DEATH ACT**

3 **SECTION 50.** Chapter 31C of the General Statutes is repealed.

4 **SECTION 51.** Chapter 30 of the General Statutes is amended by adding a new
5 Article to read:

6 "Article 5.

7 "Uniform Community Property Disposition at Death Act.

8 "§ 30-41. Title.

9 This Article may be cited as the Uniform Community Property Disposition at Death Act.

10 "§ 30-42. Definitions.

11 In this Article, the following definitions apply:

- 12 (1) Community-property spouse. – An individual in a marriage or other
13 relationship that satisfies all of the following:
 - 14 a. Community property could be acquired under the relationship.
 - 15 b. The relationship remains in existence at the time of death of either
16 party to the relationship.
- 17 (2) Electronic. – Relating to technology having electrical, digital, magnetic,
18 wireless, optical, electromagnetic, or similar capabilities.
- 19 (3) Jurisdiction. – The United States, a state, a foreign country, or a political
20 subdivision of a foreign country.
- 21 (4) Partition. – Voluntarily divide property to which this Article otherwise would
22 apply.
- 23 (5) Person. – Defined in G.S. 28A-1-1.
- 24 (6) Personal representative. – Defined in G.S. 28A-1-1.
- 25 (7) Property. – Defined in G.S. 32C-1-102.
- 26 (8) Reclassify. – To change the characterization or treatment of community
27 property to property owned separately by community-property spouses.
- 28 (9) Record. – Information inscribed on a tangible medium or stored in an
29 electronic or other medium and retrievable in perceivable form.
- 30 (10) Sign. – With present intent to authenticate or adopt a record, to do either of
31 the following:
 - 32 a. Execute or adopt a tangible symbol.
 - 33 b. Attach to or logically associate with the record an electronic symbol,
34 sound, or process.
- 35 (11) State. – Consists of the following:
 - 36 a. A state of the United States, the District of Columbia, Puerto Rico, the
37 United States Virgin Islands, or any other territory or insular
38 possession subject to the jurisdiction of the United States.
 - 39 b. An Indian tribe or band or Alaskan native village that is recognized by
40 federal law or formally acknowledged by an entity listed in
41 sub-subdivision a. of this subdivision.

42 ...

43 "§ 30-48. Right of surviving community-property spouse.

44 (a) The surviving community-property spouse of a decedent may assert a claim for relief
45 with respect to a right under this Article in accordance with the following:

- 46 (1) With respect to a claim for relief asserting a right in or to property, the
47 surviving community-property spouse must do either of the following:
 - 48 a. Within one year of the decedent's date of death, commence a civil
49 action in superior court against an heir, devisee, or nonprobate
50 transferee that is in possession of the property.

b. Within six months after the issuance of letters testamentary or letters of administration in connection with the decedent's testate or intestate proceeding, file a petition with the clerk of superior court or commence a civil action in superior court in the county in which the primary administration of the decedent's estate lies. A petition with the clerk of superior court shall be filed as an estate proceeding, and the proceeding shall be conducted in accordance with the procedures of Article 2 of Chapter 28A of the General Statutes.

(2) With respect to a claim for relief other than a claim under subdivision (a)(1) of this section, the surviving community-property spouse must do either of the following:

a. If a personal representative of the decedent's estate is not appointed, commence a civil action in superior court within one year of the decedent's date of death.

b. Satisfy the procedural requirements of sub-subdivision (a)(1)b. of this section.

(3) The incapacity of the surviving spouse does not toll the time for commencing an action or filing a petition as provided in this section.

(b) Unless a timely demand is made under sub-subdivision (a)(1)b. or (a)(2)b. of this section, the personal representative may distribute the assets of the decedent's estate without personal liability for a community-property spouse's claim under this Article.

...

SECTION 56. This Part becomes effective January 1, 2026. Except as provided in Section 55 of this act, this act applies to a judicial proceeding commenced on or after that date, regardless of the date of death of the decedent.

...

PART X. EFFECTIVE DATE

SECTION 161. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 19th day of June, 2025.

s/ Rachel Hunt
President of the Senate

s/ Timothy Reeder, MD
Presiding Officer of the House of Representatives

s/ Josh Stein
Governor

Approved 9:43 a.m. this 26th day of June, 2025