

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 418
HOUSE BILL 316

1 AN ACT TO PROVIDE FOR THE REMOVAL OF FIDUCIARIES WHO CANNOT BE
2 FOUND.

3
4 The General Assembly of North Carolina do enact:

5
6 **Section 1.** Chapter 28 of the General Statutes hereby amended by adding a new
7 Section immediately following G.S. 28-118, to be designated as G.S. 28-118.1, and to read as
8 follows:

9 "**G.S. 28-118.1. Removal of fiduciaries who cannot be found.** Whenever any inventory,
10 account or report required by law to be filed with the Clerk of Superior Court by any executor,
11 administrator, collector, guardian, trustee, personal representative or other fiduciary
12 accountable to the Clerk of Superior Court is overdue, and citation or notice issued by the clerk
13 to be served in the county of the address last reported by such fiduciary to the clerk is returned
14 unserved because the fiduciary cannot be found, the clerk may, after ten (10) days following
15 the return of such citation unserved, order his removal without further notice. A copy of such
16 citation shall be served on the surety or sureties, if any, of such fiduciary, if the surety be found
17 in the county of his last known address."

18 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

19 **Sec. 3.** This Act shall be in full force and effect from and after its ratification.

20 In the General Assembly read three times and ratified, this the 16th day of May,
21 1961.