

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 556
SENATE BILL 545

AN ACT TO EMPOWER PERSONAL REPRESENTATIVES TO MAKE ELECTIONS OF
CERTAIN PERSONAL AND HOUSEHOLD EFFECTS FOR FEDERAL TAX
PURPOSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 28A-13-3 is amended by:

- (a) redesignating subsections (b) and (c) to be subsections (c) and (d) respectively;
- (b) inserting a new subsection (b) immediately after subsection (a), to read as

follows:

"(b) Except as qualified by express limitations imposed in a will of the decedent, and subject to the provisions of G.S. 28A-13-6 respecting the powers of joint personal representatives, a personal representative shall have absolute discretion to make the election as to which items of the decedent's personal and household effects shall be excluded from the carry over basis provision of the federal income tax law and such election shall be conclusive and binding on all concerned."

(c) rewriting redesignated subsection (c) (former subsection (b)) to read as follows:

"(c) Any question arising out of the powers conferred by subsections (a) and (b) above shall be determined in accordance with the provisions of Article 18 of this Chapter."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of June,
1977.