

NORTH CAROLINA GENERAL ASSEMBLY  
1977 SESSION

CHAPTER 81  
HOUSE BILL 91

AN ACT TO PERMIT A SURVIVING SPOUSE OF EITHER SEX TO RECEIVE THE BENEFIT OF THE HOMESTEAD EXEMPTION.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 1-389 as it appears in the 1975 Cumulative Supplement to 1969 Replacement Volume 1A of the General Statutes is rewritten to read as follows:

**"§ 1-389. Allotted to surviving spouse or minor children on death of homesteader.** — If a person entitled to a homestead exemption dies without the homestead having been set apart, the surviving spouse, if the decedent leaves no children under the age of 18 years, or the decedent's child or children under the age of 18 years, may proceed to have the homestead exemption laid off by petition. If the surviving spouse or children have failed to have the exemption let apart in the manner provided, then in an action brought by the personal representatives of the decedent to subject the realty of the decedent to the payment of debts and charges of administration, it is the duty of the court to appoint three disinterested persons to set apart to such surviving spouse, child or children a homestead exemption under metes and bounds in the land of the decedent. The three persons so appointed shall under their hands and seals make return of the same to the court, which shall be registered in the same manner as homestead exemptions."

**Sec. 2.** This act shall become effective 30 days after certification by the State Board of Elections that an amendment to the Constitution of North Carolina rewriting Article X, Section 2(3) and Section 2(4) to permit a surviving spouse of either sex to receive the benefit of the homestead exemption unless the owner left surviving a minor child or children has been approved by the people of the State.

In the General Assembly read three times and ratified, this the 14th day of March, 1977.