

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 69
HOUSE BILL 123

AN ACT DEFINING THE SHARE OF THE SURVIVING SPOUSE UNDER THE LAWS OF
INTESTATE SUCCESSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 29-14 is rewritten to read:

"§ 29-14. Share of surviving spouse. —

- (a) Real property. The share of the surviving spouse in the real property is:
 - (1) if the intestate is survived by only one child or by any lineal descendant of only one deceased child, a one-half undivided interest in the real property;
 - (2) if the intestate is survived by two or more children, or by one child and any lineal descendant of one or more deceased children or by lineal descendants of two or more deceased children, a one-third undivided interest in the real property;
 - (3) if the intestate is not survived by a child, children or any lineal descendant of a deceased child or children, but is survived by one or more parents, a one-half undivided interest in the real property;
 - (4) if the intestate is not survived by a child, children or any lineal descendant of a deceased child or children, or by a parent, all the real property.
- (b) Personal property. The share of the surviving spouse in the personal property is:
 - (1) if the intestate is survived by only one child or by any lineal descendant of only one deceased child, and the net personal property does not exceed fifteen thousand dollars (\$15,000) in value, all of the personal property; if the net personal property exceeds fifteen thousand dollars (\$15,000) in value, the sum of fifteen thousand dollars (\$15,000) plus one-half of the balance of the personal property;
 - (2) if the intestate is survived by two or more children, or by one child and any lineal descendant of one or more deceased children, or by lineal descendants of two or more deceased children, and the net personal property does not exceed fifteen thousand dollars (\$15,000) in value, all of the personal property; if the net personal property exceeds fifteen thousand dollars (\$15,000) in value, the sum of fifteen thousand dollars (\$15,000) plus one-third of the balance of the personal property;
 - (3) if the intestate is not survived by a child, children, or any lineal descendant of a deceased child or children, but is survived by one or more parents, and the net personal property does not exceed twenty-five thousand dollars (\$25,000) in value, all of the personal property; if the net personal property exceeds twenty-five thousand dollars (\$25,000) in value, the sum of twenty-five thousand dollars (\$25,000) plus one-half of the balance of the personal property;
 - (4) if the intestate is not survived by a child, children, or any lineal descendant of a deceased child or children, or by a parent, all of the personal property."

Sec. 2. This act is effective upon ratification and applies to estates of persons dying on or after that date.

In the General Assembly read three times and ratified, this the 5th day of March, 1981.