

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 357
HOUSE BILL 531

AN ACT TO INCLUDE IN THE LIST OF THOSE WHO SHALL BE GRANTED LETTERS OF ADMINISTRATION, IN ORDER OF PRIORITY, THE NEXT OF KIN OF THE DECEDENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 28A-4-1(b) reads as rewritten:

"(b) Letters of Administration. Letters of administration shall be granted to persons who are qualified to serve, in the following order, unless the clerk of superior court in his discretion determines that the best interests of the estate otherwise require:

- (1) The surviving spouse of the decedent;
- (2) Any devisee of the testator;
- (3) Any heir of the decedent;
- (3a) Any next of kin, with a person who is of a closer kinship as computed pursuant to G.S. 104A-1 having priority;
- (4) Any creditor to whom the decedent became obligated prior to his death;
- (5) Any person of good character residing in the county who applies therefor; and
- (6) Any other person of good character not disqualified under G.S. 28A-4-2.

When applicants are equally entitled, letters shall be granted to the applicant who, in the judgment of the clerk of superior court, is most likely to administer the estate advantageously, or they may be granted to any two or more of such applicants."

Sec. 2. This act shall become effective with respect to the estates of decedents dying on or after October 1, 1987.

In the General Assembly read three times and ratified this the 12th day of June, 1987.