GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-133
HOUSE BILL 312

AN ACT UPDATING THE STATUTORY MORTALITY TABLES USED AS EVIDENCE TO ESTABLISH THE EXPECTANCY OF CONTINUED LIFE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 8-46 reads as rewritten:

"**§ 8-46. ~~Mortuary~~ Mortality tables as evidence.**

Whenever it is necessary to establish the expectancy of continued life of any person from any period of ~~such~~ the person's life, whether ~~he be~~ the person is living at the time or not, the table hereto appended shall be received in all courts and by all persons having power to determine litigation, as evidence, with other evidence as to the health, constitution and habits of ~~such~~ the person, of such expectancy represented by the figures in the columns headed by the words 'completed age' and 'expectation' respectively:

Completed Age	Expectation
0	~~68.40~~ 75.8
1	~~69.64~~ 75.4
2	~~68.78~~ 74.5
3	~~67.86~~ 73.5
4	~~66.92~~ 72.5
5	~~65.98~~ 71.6
6	~~65.02~~ 70.6
7	~~64.06~~ 69.6
8	~~63.09~~ 68.6
9	~~62.12~~ 67.6
10	~~61.15~~ 66.6
11	~~60.18~~ 65.6
12	~~59.20~~ 64.6
13	~~58.22~~ 63.7
14	~~57.25~~ 62.7
15	~~56.29~~ 61.7
16	~~55.34~~ 60.7
17	~~54.39~~ 59.8
18	~~53.45~~ 58.8
19	~~52.52~~ 57.9
20	~~51.58~~ 56.9
21	~~50.65~~ 56.0

22	~~49.72~~ 55.1
23	~~48.80~~ 54.1
24	~~47.87~~ 53.2
25	~~46.94~~ 52.2
26	~~46.02~~ 51.3
27	~~45.09~~ 50.4
28	~~44.17~~ 49.4
29	~~43.25~~ 48.5
30	~~42.33~~ 47.5
31	~~41.41~~ 46.6
32	~~40.49~~ 45.7
33	~~39.58~~ 44.7
34	~~38.67~~ 43.8
35	~~37.76~~ 42.9
36	~~36.85~~ 42.0
37	~~35.95~~ 41.0
38	~~35.06~~ 40.1
39	~~34.17~~ 39.2
40	~~33.29~~ 38.3
41	~~32.42~~ 37.4
42	~~31.57~~ 36.5
43	~~30.72~~ 35.6
44	~~29.87~~ 34.7
45	~~29.04~~ 33.8
46	~~28.21~~ 32.9
47	~~27.38~~ 32.0
48	~~26.56~~ 31.1
49	~~25.76~~ 30.2
50	~~24.96~~ 29.3
51	~~24.18~~ 28.5
52	~~23.40~~ 27.6
53	~~22.64~~ 26.8
54	~~21.89~~ 25.9
55	~~21.15~~ 25.1
56	~~20.42~~ 24.3
57	~~19.70~~ 23.5
58	~~18.99~~ 22.7
59	~~18.29~~ 21.9
60	~~17.61~~ 21.1
61	~~16.94~~ 20.4
62	~~16.29~~ 19.7
63	~~15.65~~ 18.9
64	~~15.02~~ 18.2
65	~~14.40~~ 17.5

66	~~13.79~~ 16.8
67	~~13.20~~ 16.1
68	~~12.61~~ 15.5
69	~~12.04~~ 14.8
70	~~11.48~~ 14.2
71	~~10.93~~ 13.5
72	~~10.39~~ 12.9
73	~~9.86~~ 12.3
74	~~9.35~~ 11.7
75	~~8.84~~ 11.2
76	~~8.35~~ 10.6
77	~~7.87~~ 10.0
78	~~7.40~~ 9.5
79	~~6.96~~ 9.0
80	~~6.53~~ 8.5
81	~~6.12~~ 8.0
82	~~5.75~~ 7.5
83	~~5.39~~ 7.1
84	~~5.05~~ 6.6
85 and over	~~4.70~~ 6.6
~~86~~	~~4.38~~
~~87~~	~~4.08~~
~~88~~	~~3.79~~
~~89~~	~~3.54~~
~~90~~	~~3.30~~
~~91~~	~~3.08~~
~~92~~	~~2.89~~
~~93~~	~~2.72~~
~~94~~	~~2.56~~
~~95~~	~~2.43~~
~~96~~	~~2.32~~
~~97~~	~~2.21~~
~~98~~	~~2.10~~
~~99~~	~~2.01~~
~~100~~	~~1.91~~
~~101~~	~~1.83~~
~~102~~	~~1.75~~
~~103~~	~~1.67~~
~~104~~	~~1.60~~
~~105~~	~~1.53~~
~~106~~	~~1.46~~
~~107~~	~~1.40~~
~~108~~	~~1.35~~
~~109~~	~~1.29~~".

Section 2. G.S. 8-47 reads as rewritten:

"**§ 8-47. Present worth of annuities.**

Whenever it is necessary to establish the present worth or cash value of an annuity to a person, payable annually during ~~his~~ the person's life, such present worth or cash value may be ascertained by the use of the following table in connection with the ~~mortuary~~ mortality tables established by law, the first column representing the number of years the annuity is to run and the second column representing the present cash value of an annuity of one dollar for such number of years, respectively:

No. of Years Annuity is to Run	Cash Value of the Annuity of $1
1	$ 0.943
2	1.833
3	2.673
4	3.465
5	4.212
6	4.917
7	5.582
8	6.210
9	6.802
10	7.360
11	7.887
12	8.384
13	8.853
14	9.295
15	9.712
16	10.106
17	10.477
18	10.828
19	11.158
20	11.470
21	11.764
22	12.042
23	12.303
24	12.550
25	12.783
26	13.003
27	13.211
28	13.406
29	13.591
30	13.765
31	13.929
32	14.084
33	14.230
34	14.368

35	14.498
36	14.621
37	14.737
38	14.846
39	14.949
40	15.046
41	15.138
42	15.225
43	15.306
44	15.383
45	15.456
46	15.524
47	15.589
48	15.650
49	15.708
50	15.762
51	15.813
52	15.861
53	15.907
54	15.950
55	15.991
56	16.029
57	16.065
58	16.099
59	16.131
60	16.161
61	16.190
62	16.217
63	16.242
64	16.266
65	16.289
66	16.310
67	16.331

The present cash value of the annuity for a fraction of a year may be ascertained as follows: Multiply the difference between the cash value of the annuities for the preceding and succeeding full years by the fraction of the year in decimals and add the sum to the present cash value for the preceding full year. When a person is entitled to the use of a sum of money for life, or for a given time, the interest thereon for one year, computed at four and one half percent (4 1/2%), may be considered as an annuity and the present cash value be ascertained as herein provided: Provided, the interest rate in computing the present cash value of a life interest in land shall be six percent (6%).

Whenever the ~~mortuary~~ mortality tables set out in G.S. 8-46 are admissible in evidence in any action or proceeding to establish the expectancy of continued life of any person from any period of ~~such~~ the person's life, whether ~~he be~~ the person is living at the time or not, the annuity tables herein set forth shall be evidence, but not conclusive, of the loss of income during the period of life expectancy of ~~such~~ the person."

Section 3. G.S. 46-25 reads as rewritten:

"**§ 46-25. Sale of standing timber on partition; valuation of life estate.**

When two or more persons own, as tenants in common, joint tenants or copartners, a tract of land, either in possession, or in remainder or reversion, subject to a life estate, or where one or more persons own a remainder or reversionary interest in a tract of land, subject to a life estate, then in any such case in which there is standing timber upon any such land, a sale of said timber trees, separate from the land, may be had upon the petition of one or more of said owners, or the life tenant, for partition among the owners thereof, including the life tenant, upon such terms as the court may order, and under like proceedings as are now prescribed by law for the sale of land for partition: Provided, that when the land is subject to a life estate, the life tenant shall be made a party to the proceedings, and shall be entitled to receive his or her portion of the net proceeds of sales, to be ascertained under the ~~mortuary~~ mortality tables established by law: Provided further, that prior to a judgment allowing a life tenant to sell the timber there must be a finding that the cutting is in keeping with good husbandry and that no substantial injury will be done to the remainder interest."

Section 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 27th day of May, 1997.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 9:50 a.m. this 4th day of June, 1997