

§ 30-46. Disposition of property at death.

(a) One-half of the property to which this Article applies belongs to the surviving community-property spouse of a decedent and is not subject to disposition by the decedent at death.

(b) One-half of the property to which this Article applies belongs to the decedent and is subject to disposition by the decedent at death.

(c) The property that belongs to the decedent under subsection (b) of this section is not subject to the surviving community-property spouse's right to petition for an elective share under Article 1A of this Chapter or the surviving community-property spouse's right to elect a life estate under Article 8 of Chapter 29 of the General Statutes.

(d) This section does not apply to property transferred by right of survivorship or under a revocable trust or other nonprobate transfer.

(e) This section does not limit the right of a surviving community-property spouse to the year's allowance under Article 4 of this Chapter or the property exemptions under Article X of the North Carolina Constitution and Article 16 of Chapter 1C of the General Statutes.

(f) If at death a decedent purports to transfer to a third person property that, under this section, belongs to the surviving community-property spouse and transfers other property to the surviving community-property spouse, this section does not limit the authority of the court under other laws of this State to require that the community-property spouse elect between retaining the property transferred to the community-property spouse or asserting rights under this Article. (2025-25, s. 51.)