

§ 30-49. Right of heir, devisee, or nonprobate transferee.

An heir, devisee, or nonprobate transferee of a deceased community-property spouse may assert a claim for relief with respect to a right under this Article in accordance with the following:

- (1) With respect to a claim asserting a right in or to property, the heir, devisee, or nonprobate transferee must do either of the following:
 - a. Within one year of the decedent's date of death, commence a civil action in superior court against the surviving community-property spouse who is in possession of the property.
 - b. Satisfy the procedural requirements of G.S. 30-48(a)(1)b.
- (2) With respect to a claim for relief other than a claim under subdivision (1) of this section, the heir, devisee, or nonprobate transferee must do either of the following:
 - a. If a personal representative of the decedent's estate is not appointed, commence a civil action in superior court within one year of the decedent's date of death.
 - b. Satisfy the procedural requirements of G.S. 30-48(a)(1)b.
- (3) The incapacity of the heir, devisee, or nonprobate transferee does not toll the time for commencing an action or filing a petition as provided in this section. (2025-25, s. 51.)