

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 829

Short Title: Marital Property/Equit. Dist.

(Public)

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Sponsors: Representative Hackney.

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Referred to: Judiciary III.

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April 16, 1991

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH A REBUTTABLE PRESUMPTION THAT PROPERTY  
2 ACQUIRED DURING MARRIAGE IS MARITAL PROPERTY EXCEPT UNDER  
3 CERTAIN CIRCUMSTANCES.  
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 50-20 is amended by adding the following new subsection to  
7 read:

8 "(b1) It is presumed that all property acquired after the date of marriage and before  
9 the date of separation is marital property unless the property is acquired by bequest,  
10 devise, descent, or gift, or except in cases where separate property is exchanged for  
11 property pursuant to subsection (b)(2) of this section. This presumption may be  
12 rebutted by clear, cogent, and convincing evidence."

13 Sec. 2. This act is effective upon ratification and applies to actions for  
14 equitable distribution pending or filed on or after that date.