

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 829
Committee Substitute Favorable 5/2/91

Short Title: Marital Property/Equit. Dist.

(Public)

Sponsors:

Referred to:

April 16, 1991

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

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 becomes effective October 1, 1991, and applies to actions for
14 equitable distribution filed on or after that date.