

March 12, 2009

S 606. NOTICE TO CREDITORS WITHOUT ESTATE ADMIN. Filed 3/12/09. *TO ESTABLISH A PROCEDURE FOR PROVIDING NOTICE TO CREDITORS WITHOUT ESTATE ADMINISTRATION WHEN A DECEDENT DIES LEAVING NO PROPERTY SUBJECT TO PROBATE AND TO MAKE A TECHNICAL CORRECTION TO THE PROVISION PROVIDING FOR COSTS IN THE ADMINISTRATION OF ESTATES.*

Adds a new Article, *Notice to Creditors Without Estate Administration*, to GS Chapter 28A. Provisions apply to a decedent who (1) dies testate (with a will) or intestate (without a will) and (2) leaves no property that is subject to probate; however, this procedure is not available if the decedent has a will that provides that it is not available. Allows any person otherwise qualified to serve as a personal representative of the estate under GS Chapter 28A, Article 4, or as a trustee under the terms of a revocable trust created by the decedent, to file a petition to be appointed as a limited personal representative who can provide notice to creditors without the administration of an estate before the clerk of superior court (clerk) of the county where the decedent was domiciled at the time of death. Requires the petition to be in the form of a sworn affidavit signed by the applicant or his attorney and submitted to the clerk and lists the facts that the affidavit must allege. Provides that if the clerk finds that the application and supporting evidence meet the requirements, the clerk is to issue letters of limited administration. Directs the appointed limited personal representative to provide notice to creditors having claims against the decedent. Provides guidelines governing presentation, payment, and limitation of claims. States that nothing in the proposed Article precludes the right to petition for the appointment of a personal representative to administer the decedent's estate. Amends GS 7A-307(a) to require the payment of a fee of \$20 upon filing the petition. Effective October 1, 2009, and applies to estates of persons dying on or after that date.

Intro. by Berger of Rockingham.

GS 7A, 28A

May 5, 2009

S 606. NOTICE TO CREDITORS WITHOUT ESTATE ADMIN. Filed 3/12/09. Senate committee substitute makes the following changes to 1st edition. Amends proposed GS 28A-29-4 to allow the clerk to appoint a personal representative to administer the decedent's estate at any time after a claim is presented in accordance with the statute.

June 30, 2009

S 606. NOTICE TO CREDITORS WITHOUT ESTATE ADMIN. Filed 3/12/09. House committee substitute makes the following changes to 2nd edition. Makes technical changes only.

July 13, 2009

S 606. NOTICE TO CREDITORS WITHOUT ESTATE ADMIN. Filed 3/12/09. House committee substitute makes the following changes to 3rd edition. Adds new section to amend Article 21 of Chapter 28A as follows. Enacts new GS 28A-21-2.2 (Final accounting by limited personal representative) to require that a limited personal representative file a sworn affidavit or report listing all debts and other claims duly presented to the limited personal representative and providing proof that the debts and other claims were satisfied, compromised, or denied, and that the time for filing suit has expired. Specifies time period in which the sworn affidavit must be filed. Requires the clerk of the superior court to review the affidavit or report and take certain specified actions.

August 18, 2009

SL 2009-444 (S 606). NOTICE TO CREDITORS WITHOUT ESTATE ADMINISTRATION. *AN ACT TO ESTABLISH A PROCEDURE FOR PROVIDING NOTICE TO CREDITORS WITHOUT ESTATE ADMINISTRATION WHEN A DECEDENT DIES LEAVING NO PROPERTY SUBJECT TO PROBATE AND TO MAKE A TECHNICAL CORRECTION TO THE PROVISION PROVIDING FOR COSTS IN THE ADMINISTRATION OF ESTATES.* Summarized in *Daily*

Bulletin 3/12/09, 5/5/09, 6/30/09, and 7/13/09. Enacted August 7, 2009. Effective October 1, 2009.