

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1390
Committee Substitute Favorable 5/7/09

Short Title: Wills/Bequests to Drafting Attorney.

(Public)

Sponsors:

Referred to:

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO RENDER VOID ANY BEQUEST OR DEVISE IN A WILL TO THE
ATTORNEY WHO DRAFTED THE WILL UNLESS THE ATTORNEY IS A
RELATIVE OF THE TESTATOR.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 31 of the General Statutes is amended by adding a new
section to read:

"§ 31-4.1. Attorneys as beneficiaries.

An attorney who drafts an attested written will, or a codicil to an attested written will, may not be a beneficiary under that will or codicil, regardless of whether the attorney receives compensation for preparing the will or codicil, unless the attorney is a relative of the testator within five degrees of kinship, a present or former spouse of the testator, or a parent, sibling, or child of the testator's present or former spouse. Any bequest or devise to an attorney in violation of this section shall be void. A designation of the attorney in a fiduciary role is neither a bequest nor a devise within the meaning of this section.

An attorney who drafts an attested written will, or a codicil to an attested written will, under which the attorney is a beneficiary, shall attach to the will or codicil an affidavit certifying that the attorney is in compliance with the provisions of this section.

Nothing in this section prevents an attorney from being a beneficiary under a codicil to a will if the codicil was not drafted by that attorney."

SECTION 2. This act becomes effective January 1, 2010, and applies to wills
executed on or after that date.

