

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 435  
HOUSE BILL 471

1 AN ACT TO PERMIT INTER VIVOS AND TESTAMENTARY CONVEYANCES OF  
2 FUTURE INTERESTS.

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4 The General Assembly of North Carolina do enact:

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6 **Section 1.** Chapter 39 of the General Statutes is hereby amended by adding a new  
7 Section immediately following Section 39-6.2 in the 1959 Cumulative Supplement to Volume  
8 2A, the same to be designated Section 39-6.3 and to read as follows:

9 **"G.S. 39-6.3. Inter vivos and testamentary conveyances of future interests permitted.**

10 "(a) The conveyance, by deed or will, of an existing future interest shall not be  
11 ineffective on the sole ground that the interest so conveyed is future or contingent. All future  
12 interests in real or personal property, including all reversions, executory interests, vested and  
13 contingent remainders, rights of entry both before and after breach of condition and  
14 possibilities of reverter may be conveyed by the owner thereof, by an otherwise legally  
15 effective conveyance, inter vivos or testamentary, subject, however, to all conditions and  
16 limitations to which such future interest is subject.

17 "(b) The power to convey as provided in Subsection (a), can be exercised by any form of  
18 conveyance, inter vivos or testamentary, which is otherwise legally effective in this State at the  
19 date of such conveyance to transfer a present estate of the same duration in the property.

20 "(c) This Act shall apply only to conveyances which become operative to transfer title  
21 on or after its effective date."

22 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

23 **Sec. 3.** This Act shall be in force and effect from and after October 1, 1961.

24 In the General Assembly read three times and ratified, this the 16th day of May,  
25 1961.