

NORTH CAROLINA GENERAL ASSEMBLY  
1971 SESSION

CHAPTER 641  
HOUSE BILL 581

AN ACT TO AMEND G.S. 41-11.1 SO AS TO PERMIT PAYMENT OF PROCEEDS OF SALE TO THE LIVING MEMBERS OF THE CLASS OF HEIRS AS THEN CONSTITUTED UPON CONDITION THAT A BOND BE POSTED TO ENSURE PAYMENT OF THEIR LAWFUL SHARE TO ANY MEMBERS OF THE CLASS SUBSEQUENTLY BORN.

The General Assembly of North Carolina do enact:

**Section 1.** G.S. 41-11.1 is hereby amended by inserting the number one in the parentheses "(1)" after the comma following the word "provided" in the third line of the fifth paragraph thereof, and by striking the period at the end of the fifth paragraph thereof and by inserting in lieu of the period the following language:

"; (2) the clerk by appropriate order, in lieu of holding, managing, investing and reinvesting the proceeds of sale, may pay or authorize the trustee to pay the entire amount of such proceeds to the living members of the class as they may be then constituted or to their duly appointed guardians, or to pay the ratable portion or portions of such proceeds to one or more of such living members or to their guardians; provided that, where the class would be closed by the death of the mother or mothers of the members of the class, said mother or mothers are living and have attained the age of fifty-five, and upon the further condition that there be first filed with the clerk a bond conditioned upon the payment of the lawful share of any member of the class not then in esse, but who may thereafter come into being or otherwise become a member of the class, to such member or his guardian whenever he becomes a living member of the class. Such bond shall be payable to the State to the use of the additional members of the class and shall be either a cash bond or a premium bond executed by a surety company authorized to transact business in North Carolina. The penalty of such bond shall not be less than one and one-fourth the amount of the proceeds of sale. Any bond filed hereunder shall be acknowledged before and approved by the clerk of the superior court."

**Sec. 2.** The provisions of this act shall apply to gifts, devises, bequests, transfers, and conveyances made both before and after the date of ratification of this act.

**Sec. 3.** This act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1971.