

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 419  
Second Edition Engrossed 5/9/91  
Senate Judiciary I Committee Substitute Adopted 7/2/91

Short Title: Revival of Will Provisions.

(Public)

Sponsors:

Referred to:

April 1, 1991

A BILL TO BE ENTITLED

AN ACT RELATING TO REVIVAL OF WILL PROVISIONS REVOKED BY  
DIVORCE OR ANNULMENT AS RECOMMENDED BY THE GENERAL  
STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 31-5.4 reads as rewritten:

**"§ 31-5.4. Revocation by divorce or annulment; revival.**

Dissolution of marriage by absolute divorce or annulment after making a will does not revoke the will of any testator but, unless otherwise specifically provided in the will, it revokes all provisions in the will in favor of the testator's former spouse or purported former spouses ~~so divorced~~, including, but not by way of limitation, ~~the appointment of such spouse as executor or executrix~~ any provision conferring a general or special power of appointment on the former spouse or purported former spouse and any appointment of the former spouse or purported former spouse as executor, trustee, conservator, or guardian. If provisions are revoked solely by this section, they are revived by the testator's remarriage to the former spouse or purported former spouse."

Sec. 2. G.S. 31-5.8 reads as rewritten:

**"§ 31-5.8. Revival of revoked will.**

No will or any part thereof, ~~which that shall be~~ has been in any manner revoked can, except as provided in G.S. 31-5.4, ~~can~~ be revived otherwise than by a reexecution thereof, or by the execution of another will in which the revoked will or part thereof is incorporated by reference."

1                   Sec. 3. This act is effective October 1, 1991 and applies to the will of any  
2 person dying on or after that date.