

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 394

Short Title: Equ. Dis. Claim Survive Death Spouse/Limit. (Public)

Sponsors: Senators Rand; and Clodfelter.

Referred to: Judiciary I.

March 12, 2003

A BILL TO BE ENTITLED

1 AN ACT ALLOWING A CLAIM FOR EQUITABLE DISTRIBUTION TO SURVIVE
2 THE DEATH OF A SPOUSE WHEN THE PARTIES ARE LIVING SEPARATE
3 AND APART AT THE TIME OF DEATH AND THE CLAIM IS FILED WITHIN
4 SIX MONTHS OF THE DATE OF DEATH.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 50-20(l) reads as rewritten:

7 "(l) A ~~pending action~~claim for equitable distribution ~~shall not abate upon the~~
8 ~~death of a party.~~survives the death of a spouse so long as the parties are living separate
9 and apart at the time of death. Any claim for equitable distribution made after the death
10 of a party must be filed within six months of the date of death."

11 **SECTION 2.** This act is effective when it becomes law.
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