

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 2390*

Short Title: Raise Ceiling on Personal Prop. Sale/Guardian. (Public)

Sponsors: Representatives Bordsen, Goodwin, Farmer-Butterfield, Pierce (Primary Sponsors); Boylan, Bryant, Carney, England, Fisher, Harrison, Hughes, Hurley, Johnson, Lucas, Underhill, and Wainwright.

Referred to: Judiciary III.

May 26, 2008

A BILL TO BE ENTITLED

AN ACT TO RAISE THE CEILING ON THE TOTAL AMOUNT OF PERSONAL PROPERTY A GUARDIAN IS ALLOWED TO SELL WITHOUT A COURT ORDER UNDER THE LAWS PERTAINING TO GUARDIANSHIP, AS RECOMMENDED BY THE HOUSE STUDY COMMITTEE ON STATE GUARDIANSHIP LAWS AND THE STUDY COMMISSION ON AGING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 35A-1251(17)a. reads as rewritten:

"§ 35A-1251. Guardian's powers in administering incompetent ward's estate.

In the case of an incompetent ward, a general guardian or guardian of the estate has the power to perform in a reasonable and prudent manner every act that a reasonable and prudent person would perform incident to the collection, preservation, management, and use of the ward's estate to accomplish the desired result of administering the ward's estate legally and in the ward's best interest, including but not limited to the following specific powers:

...

(17)a. Without a court order to lease any of the ward's real estate for a term of not more than three years, or to sell, lease or exchange any of the ward's personal property including securities, provided that the aggregate value of all items of the ward's tangible personal property sold without court order ~~over the duration of the estate shall not exceed one thousand five hundred dollars (\$1,500)~~ shall not exceed five thousand dollars (\$5,000) per accounting period and shall not exceed the total aggregate amount of fifteen thousand dollars (\$15,000) over the duration of the estate. When any item of the ward's tangible personal property has a value which when increased by the value of all other tangible personal property previously sold in the estate without a

1 court order would exceed ~~one thousand five hundred dollars (\$1,500),~~
2 five thousand dollars (\$5,000) in the current accounting period, or the
3 total aggregate amount of fifteen thousand dollars (\$15,000) over the
4 duration of the estate, a guardian may sell the item only as provided in
5 subdivision (17)b.

6"

7 **SECTION 2.** G.S. 35A-1252(14)a. reads as rewritten:

8 **"§ 35A-1252. Guardian's powers in administering minor ward's estate.**

9 In the case of a minor ward, a general guardian or guardian of the estate has the
10 power to perform in a reasonable and prudent manner every act that a reasonable and
11 prudent person would perform incident to the collection, preservation, management, and
12 use of the ward's estate to accomplish the desired result of administering the ward's
13 estate legally and in the ward's best interest, including but not limited to the following
14 specific powers:

15 ...

16 (14)a. Without a court order to lease any of the ward's real estate for a term
17 of not more than three years, or to sell, lease or exchange any of the
18 ward's personal property including securities, provided that the
19 aggregate value of all items of the ward's tangible personal property
20 sold without court order ~~over the duration of the estate shall not exceed~~
21 ~~one thousand five hundred dollars (\$1,500).~~shall not exceed five
22 thousand dollars (\$5,000) per accounting period and shall not exceed
23 the total aggregate amount of fifteen thousand dollars (\$15,000) over
24 the duration of the estate. When any item of the ward's tangible
25 personal property has a value which when increased by the value of all
26 other tangible personal property previously sold in the estate without a
27 court order would exceed ~~one thousand five hundred dollars~~
28 ~~(\$1,500),~~five thousand dollars (\$5,000) in the current accounting
29 period, or the total aggregate amount of fifteen thousand dollars
30 (\$15,000) over the duration of the estate, a guardian may sell the item
31 only as provided in subdivision (14)b.

32"

33 **SECTION 3.** This act is effective when it becomes law.