

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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**HOUSE BILL 2390\***  
**Second Edition Engrossed 6/18/08**

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. 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 court order would exceed ~~one thousand five hundred dollars (\$1,500),~~ five thousand dollars (\$5,000) in the current

1                    accounting period, a guardian may sell the item only as provided in  
2                    subdivision (17)b.

3                    ...."

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

5                    "**§ 35A-1252. Guardian's powers in administering minor ward's estate.**

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

12                    ...

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

26                    ...."

27                    **SECTION 3.** This act is effective October 1, 2008.