

# Property, Trusts, and Estates

See full summary documents for additional detail

## **H236 - NCAOC Omnibus Bill. (SL 2017-158)**

S.L. 2017-158 makes numerous changes to law governing the administration of the General Courts of Justice.

In addition to other technical and clarifying changes, the act: validates documents that are filed with a missing date stamp; provides for removal of disbarred or suspended attorneys serving as estate administrators or guardians; simplifies the process of appointing interim guardians in incompetency proceedings; clarifies the rules for filing inventory, accounting, and tax returns; permits clerks of court to hear certain civil contempt cases; permits the appointment of an assistant to a district attorney who has a conflict of interest in a criminal case; streamlines the process of issuing service of process on behalf of indigent inmates; clarifies the procedure for termination of sex offender registration resulting from a conviction in federal court; authorizes establishment of a records retention schedule for audio recordings in cases involving juveniles; permits various State officials to perform pro bono legal work; authorizes the Administrative Office of the Courts (AOC) to redact identifiable or financial information from images or copies of publicly accessible official records; directs the AOC to report its recommendations to the General Assembly on the establishment of an arbitration and mediation program for the North Carolina Business Court; adds a district attorney member to the Dispute Resolution Commission (DRC), clarifies the uses to which fees collected by the DRC may be used; modifies DRC disciplinary procedures for mediators and mediator training programs; and makes other technical and clarifying changes.

The act became effective July 21, 2017; the act's provisions relating to petitions to terminate sex offender registration apply to petitions filed on or after that date.

## **H294 - Unclaimed Property Notice Requirements/Modify Various Board Term Limits. (SL 2017-134)**

S.L. 2017-134:

- Amends notice requirements under the North Carolina Unclaimed Property Act (NCUPA), effective October 1, 2017.
- Restores the Treasurer's authority under the NCUPA to dispose of abandoned property having no substantial commercial value, retroactively effective October 1, 2015.
- Makes other technical and conforming changes to the NCUPA, effective July 20, 2017.
- Modifies term limits of certain members of the Vocational Rehabilitation Council and the Board of Trustees of the North Carolina Museum of Art, effective July 20, 2017.

CURRENT LAW:

#### **H454 - Surveying and Plat Recording Changes. (SL 2017-27)**

S.L. 2017-27 amends the recording requirements for plats and subdivisions and eliminates the use of control corners in favor of grid control in the preparation of plats and subdivisions. This act became effective July 1, 2017, and applies to plats and subdivisions submitted for recording on or after that date.

#### **H530 - Counties/Condemnation of Unsafe Bldgs/Liens. (SL 2017-109)**

S.L. 2017-109 grants counties the same authority provided to cities in condemnation actions by allowing counties to do the following:

- Condemn nonresidential buildings or structures and residential buildings if an ordinance is adopted, under certain conditions.
- Remove or demolish unsafe buildings or structures.
- Place a lien on real property of the owner for the cost of removal or demolition.

This act became effective July 12, 2017.

#### **H584 - Real Property/Error Correction and Title Curative. (SL 2017-110)**

S.L. 2017-110 clarifies the process for correcting non-material errors in recorded instruments of title, creates a curative procedure for obvious description errors in documents of title, enacts a one-year statute of repose within which to challenge the validity of a curative statute from the date it is recorded, entitles any person to recover damages, including costs and attorney's fees, from an attorney who erroneously or wrongfully records a curative affidavit, and creates a seven-year curative provision for certain defects in recorded instruments of title. The act becomes effective August 31, 2018, and applies to curative affidavits filed on or after that date.

#### **H707 - Lien Agent/Notice of Cancellation. (SL 2017-168)**

S.L. 2017-168 provides that a lien agent notice automatically expires if it is not cancelled or renewed within five years after being given, and permits a contractor to renew a lien notice for one additional five-year period. For improvements to a one- or two-family dwelling, the act requires a lien notice to be cancelled within a reasonable time after the contractor confirms receipt of final payment for the work. The act also increases the fee an owner must pay to the designated lien agent. The act becomes effective October 1, 2018.

**H799 - Utility Billing by Lessors. (SL 2017-172)**

Session Law 2017-172 clarifies and amends the laws regarding the billing of water, electricity, and natural gas utilities services by lessors.

This act became effective July 21, 2017.

**S450 - Uniform Trust Decanting Act. (SL 2017-121)**

S.L. 2017-121 adopts the North Carolina Uniform Trust Decanting Act, which replaces existing law governing the circumstances under which a trustee is permitted to distribute assets from one trust into a second trust without the approval of a court. The act became effective on July 18, 2017.

**S567 - Reform/Correct/Wills and Trusts. (SL 2017-152)**