

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 1084**

Short Title: Equitable Distribution Clarification.

(Public)

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Sponsors: Representative Hackney.

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Referred to: Judiciary I.

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April 11, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT AN ACTION FOR EQUITABLE DISTRIBUTION  
DOES NOT ABATE UPON THE DEATH OF A PARTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 50-21(a) reads as rewritten:

"(a) At any time after a husband and wife begin to live separate and apart from each other, a claim for equitable distribution may be ~~filed~~, filed and adjudicated, either as a separate civil action, or together with any other action brought pursuant to Chapter 50 of the General Statutes, or as a motion in the cause as provided by G.S. 50-11(e) or (f). Within 90 days after service of a claim for equitable distribution, the party who first asserts the claim shall prepare and serve upon the opposing party an equitable distribution inventory affidavit listing all property claimed by the party to be marital property and all property claimed by the party to be separate property, and the estimated date-of-separation fair market value of each item of marital and separate property. Within 30 days after service of the inventory affidavit, the party upon whom service is made shall prepare and serve an inventory affidavit upon the other party. The inventory affidavits prepared and served pursuant to this subsection shall be subject to amendment and shall not be binding at trial as to completeness or value. The court may extend the time limits in this subsection for good cause shown. The affidavits are subject to the requirements of G.S. 1A-1, Rule 11, and are deemed to be in the nature of answers to interrogatories propounded to the parties. Any party failing to supply the information required by this subsection in the affidavit is subject to G.S. 1A-1, Rules 26, 33, and 37. During the pendency of the action for equitable distribution, discovery may proceed, and the court shall enter temporary orders as appropriate and necessary for the purpose of preventing the disappearance, waste, or destruction of marital or separate property or to secure the possession thereof.

Real or personal property located outside of North Carolina is subject to equitable distribution in accordance with the provisions of G.S. 50-20, and the court may include

1 in its order appropriate provisions to ensure compliance with the order of equitable  
2 distribution."

3           **SECTION 2.** G.S. 50-20 is amended by adding a new subsection to read:

4           "(1) An action for equitable distribution shall not abate upon the death of a party."

5           **SECTION 3.** This act is effective when it becomes law and applies to  
6 actions pending or filed on or after that date.