

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 251\*

Short Title: Devisee/Devise/Statutory Construction. (Public)

Sponsors: Representative Ross (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee A.

March 9, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO APPLY THROUGHOUT THE GENERAL STATUTES THE DEFINITION OF  
3 "DEWISEE" FOUND IN CHAPTER 28A OF THE GENERAL STATUTES RELATING  
4 TO THE ADMINISTRATION OF DECEDENTS' ESTATES AND TO DEFINE  
5 "DEWISE" CONSISTENTLY WITH THAT DEFINITION, TO MAKE THE USAGE OF  
6 THESE TERMS MORE UNIFORM THROUGHOUT THE GENERAL STATUTES,  
7 AND TO MAKE TECHNICAL CHANGES TO SECTIONS OF THE GENERAL  
8 STATUTES OTHERWISE AMENDED BY THIS ACT, AS RECOMMENDED BY THE  
9 GENERAL STATUTES COMMISSION.

10 The General Assembly of North Carolina enacts:

11 **PART I. DEFINE "DEWISE" AND "DEWISEE" IN CHAPTER 12.**

12 **SECTION 1.** G.S. 12-3 reads as rewritten:

13 **"§ 12-3. Rules for construction of statutes.**

14 In the construction of all statutes the following rules shall be observed, unless such  
15 construction would be inconsistent with the manifest intent of the General Assembly, or  
16 repugnant to the context of the same statute, that is to say:

17 ...  
18 (14) "Devisee" and "Devise". – The word "devisee," wherever used in any of the  
19 statutes, shall be construed to mean "devisee" as defined in G.S. 28A-1-1.  
20 The word "devise," wherever used in any of the statutes as a noun, shall be  
21 construed to mean a testamentary disposition of real or personal property  
22 and, wherever used in any of the statutes as a verb, shall be construed to  
23 mean to dispose of real or personal property by will."

24 **PART II. UNIFORM USAGE; CLARIFYING AND TECHNICAL AMENDMENTS.**

25 **SECTION 2.** G.S. 1-255 reads as rewritten:

26 **"§ 1-255. Who may apply for a declaration.**

27 Any person interested as or through an executor, administrator, trustee, guardian or other  
28 fiduciary, creditor, devisee, ~~legatee~~, heir, next of kin, or cestui que trust, in the administration  
29 of a trust, or of the estate of a decedent, an infant, lunatic, or insolvent, may have a declaration  
30 of rights or legal relations in respect thereto:

31 (1) To ascertain any class of creditors, devisees, ~~legatees~~, heirs, next of kin or  
32 others; or

33 ...."

34 **SECTION 3.** G.S. 1-313 reads as rewritten:

35 **"§ 1-313. Form of execution.**

36 The execution must be directed to the sheriff, or to the coroner when the sheriff is a party to  
37 or interested in the action. In those counties where the office of coroner is abolished, or is

1 vacant, and in which process is required to be executed on the sheriff, the authority to execute  
 2 such process shall be vested in the clerk of court; however, the clerk of court is hereby  
 3 empowered to designate and direct by appropriate order some person to act in ~~his~~ the clerk of  
 4 court's stead to execute the same. The execution must also be subscribed by the clerk of the  
 5 court, and must refer to the judgment, stating the county where the judgment roll or transcript is  
 6 filed, the names of the parties, the amount of the judgment, if it is for money, the amount  
 7 actually due thereon, and the time of docketing in the county to which the execution is issued,  
 8 and shall require the officer substantially as follows:

9 ...

10 (2) Against Property in Hands of Personal Representative. – If it is against real  
 11 or personal property in the hands of personal representatives, heirs, devisees,  
 12 ~~legatees~~, tenants of real property or trustees it shall require the officer to  
 13 satisfy the judgment out of such property.

14 ...."

15 **SECTION 4.** G.S. 1-339.23(a) reads as rewritten:

16 "(a) When any person interested as a creditor, ~~legatee~~, devisee, distributee, or otherwise,  
 17 in the proceeds of a public sale of personal property, objects at the sale to the completion of the  
 18 sale of any article of property on account of the insufficiency of the amount bid, title to such  
 19 property shall not pass and possession of the property shall not be delivered until the sale of  
 20 such property is reported and is confirmed by the judge or clerk of court having jurisdiction;  
 21 but such objection to the completion of the sale of any article of property shall not prevent the  
 22 completion of the sales of articles of property to which no objection is made where the same  
 23 have been separately sold. When a judge or clerk having jurisdiction fails or refuses to confirm  
 24 a sale of property which has thus been objected to, the procedure for a new sale of such  
 25 property, including a new order of sale, shall be the same as if no such attempted sale has been  
 26 held. This subsection shall not apply to perishable property sold pursuant to G.S. 1-339.19."

27 **SECTION 5.** G.S. 1A-1, Rule 27, reads as rewritten:

28 **"Rule 27. Depositions before action or pending appeal.**

29 (a) Before action. –

30 (1) Petition. – A person who desires to perpetuate ~~his~~ that person's own  
 31 testimony or ~~that the testimony~~ of another person regarding any matter may  
 32 file a verified petition in the appropriate court in a county where any  
 33 expected adverse party resides. The petition shall be entitled in the name of  
 34 the petitioner and shall show: (i) that the petitioner expects that ~~he~~, the  
 35 petitioner, or ~~his~~ the petitioner's personal representative, ~~heirs~~, ~~legatees~~ heirs  
 36 or devisees, will be a party to an action cognizable in any court, but that ~~he~~  
 37 the petitioner is presently unable to bring it or cause it to be brought, (ii) the  
 38 subject matter of the expected action and ~~his~~ the petitioner's reasons for  
 39 desiring to perpetuate it, (iii) the facts which ~~he~~ the petitioner desires to  
 40 establish by the proposed testimony and ~~his~~ the petitioner's reasons for  
 41 desiring to perpetuate it, (iv) the names or a description of the persons ~~he~~ the  
 42 petitioner expects will be adverse parties and their addresses so far as  
 43 known, and (v) the names and addresses of the persons to be examined and  
 44 the substance of the testimony which ~~he~~ the petitioner expects to elicit from  
 45 each, and shall ask for an order authorizing the petitioner to take the  
 46 depositions of the persons to be examined named in the petition, for the  
 47 purpose of perpetuating their testimony.

48 (2) Notice and Service. – The petitioner shall thereafter serve a notice upon  
 49 each person named in the petition as an expected adverse party, together  
 50 with a copy of the petition, stating that the petitioner will apply to the court,  
 51 at a time and place named therein, for the order described in the petition. At

1 least 20 days before the date of hearing (or within such time as the court may  
2 direct) the notice shall be served in the manner provided in Rule 4(j)(1) or  
3 (2) for service of summons; but if such service cannot with due diligence be  
4 made upon any expected adverse party named in the petition, the court may  
5 make such order as is just for service by publication or otherwise, and shall  
6 appoint, for persons not served in the manner provided in Rule 4(j)(1) or  
7 (2), an attorney who shall represent them, in case they are not otherwise  
8 represented. If any expected adverse party is a minor or incompetent the  
9 provisions of Rule 17(c) apply.

10 (3) Order and Examination. – If the court is satisfied that the perpetuation of the  
11 testimony may prevent a failure or delay of justice, it shall make an order  
12 designating or describing the persons whose depositions may be taken and  
13 specifying the subject matter of the examination and whether the depositions  
14 shall be taken upon oral examination or written questions. The depositions  
15 may then be taken in accordance with these rules; and the court may make  
16 orders of the character provided for by Rules 34 and 35. For the purpose of  
17 applying these rules to depositions for perpetuating testimony, each  
18 reference therein to the court in which the action is pending shall be deemed  
19 to refer to the court in which the petition for such deposition was filed.

20 (4) Use of Deposition. – If a deposition to perpetuate testimony is taken under  
21 these rules or if, although not so taken, it would be admissible in evidence in  
22 the courts of the United States or the state in which it is taken, it may be used  
23 in any action involving the same subject matter subsequently brought in a  
24 court of this State in accordance with the provisions of Rule 32(a), or in any  
25 other court under whose rules it is admissible.

26 (b) Pending appeal. – If an appeal has been taken from the determination of any court or  
27 if petition for review or certiorari has been served and filed, or before the taking of an appeal or  
28 the filing of a petition for review or certiorari if the time therefor has not expired, the court in  
29 which the determination was made may allow the taking of the depositions of witnesses to  
30 perpetuate their testimony for use in the event of further proceedings in the trial court. In such  
31 case the party who desires to perpetuate the testimony may make a motion in the trial court for  
32 leave to take the depositions, upon the same notice and service thereof as if the action was  
33 pending in the trial court. The motion shall show (i) the names and addresses of the persons to  
34 be examined and the substance of the testimony which ~~he~~ the party expects to elicit from each;  
35 (ii) the reasons for perpetuating their testimony. If the court finds that the perpetuation of the  
36 testimony is proper to avoid a failure or delay of justice, it may make an order allowing the  
37 depositions to be taken and may make orders of the character provided for by Rules 34 and 35,  
38 and thereupon the depositions may be taken and used in the same manner and under the same  
39 conditions as are prescribed in these rules for depositions taken in actions pending in the trial  
40 court.

41 (c) Perpetuation by action. – This rule does not limit the power of a court to entertain an  
42 action to perpetuate testimony."

43 **SECTION 6.** G.S. 1C-1604(b) reads as rewritten:

44 "(b) Exempt property which passes by ~~bequest~~, devise, intestate succession or gift to a  
45 dependent spouse, child or person to whom the debtor stands in loco parentis, continues to be  
46 exempt while held by that person. The exemption is terminated if the spouse remarries, or, with  
47 regard to a dependent, when the court determinates that dependency no longer exists."

48 **SECTION 7.** G.S. 7A-498.6(b) reads as rewritten:

49 "(b) The Director shall:

50 ...

(6) Apply for and accept on behalf of the Office of Indigent Defense Services any funds that may become available from government grants, private gifts, donations, or ~~bequests~~ devises from any source;

...."

**SECTION 8.** G.S. 11-11 reads as rewritten:

"§ 11-11. **Oaths of sundry persons; forms.**

The oaths of office to be taken by the several persons hereafter named shall be in the words following the names of said persons respectively, after taking the separate oath required by Article VI, Section 7 of the Constitution of North Carolina:

...

**EXECUTOR**

You swear (or affirm) that you believe this writing to be and contain the last will and testament of A. B., deceased; and that you will well and truly execute the same by first paying his debts and then ~~his legacies,~~ devises, as far as the ~~said~~ decedent's estate shall extend or the law shall charge you; and that you will well and faithfully execute the office of an executor, agreeably to the trust and confidence reposed in you, and according to law; so help you, God.

...."

**SECTION 9.** G.S. 14-315(a1) reads as rewritten:

"(a1) Sale of Handguns. – If a person sells, offers for sale, gives, or in any way transfers to a minor any handgun as defined in G.S. 14-269.7, the person is guilty of a Class H felony and, in addition, shall forfeit the proceeds of any sale made in violation of this section. This section does not apply in any of the following circumstances:

- (1) The handgun is lent to a minor for temporary use if the minor's possession of the handgun is lawful under G.S. 14-269.7 and G.S. 14-316 and is not otherwise unlawful.
- (2) The handgun is transferred to an adult custodian pursuant to Chapter 33A of the General Statutes, and the minor does not take possession of the handgun except that the adult custodian may allow the minor temporary possession of the handgun in circumstances in which the minor's possession of the handgun is lawful under G.S. 14-269.7 and G.S. 14-316 and is not otherwise unlawful.
- (3) The handgun is a ~~devise or legacy~~ and is distributed to a parent or guardian under G.S. 28A-22-7, and the minor does not take possession of the handgun except that the parent or guardian may allow the minor temporary possession of the handgun in circumstances in which the minor's possession of the handgun is lawful under G.S. 14-269.7 and G.S. 14-316 and is not otherwise unlawful."

**SECTION 10.** G.S. 14-401.12(b) reads as rewritten:

"(b) Definitions. – Unless a different meaning is required by the context, the following terms as used in this section have the meanings hereinafter respectively ascribed to them:

...

- (2) "Contribution" shall mean any promise, gift, ~~bequest,~~ devise or other grant for consideration or otherwise, of any money or property of any kind or value, including the promise to pay, which contribution is wholly or partly induced by a solicitation. The term "contribution" shall not include payments by members of an organization for membership fees, dues, fines or assessments, or for services rendered to individual members, if membership in such organization confers a bona fide right, privilege, professional standing, honor or other direct benefit, other than the right to vote, elect officers, or hold offices; nor any money, credit, financial assistance or

1 property received from any governmental authority; nor any donation of  
2 blood or any anatomical gift made pursuant to the Revised Uniform  
3 Anatomical Gift Act. Reference to dollar amounts of "contributions" or  
4 "solicitations" in this section means, in the case of payments or promises to  
5 pay for merchandise or rights of any description, the value of the total  
6 amount paid or promised to be paid for such merchandise or rights, and not  
7 merely that portion of the purchase price to be applied to a charitable  
8 purpose.

9 ...."

10 **SECTION 11.** G.S. 15A-1465(a) reads as rewritten:

11 "(a) The Commission shall employ a Director. The Director shall be an attorney licensed  
12 to practice in North Carolina at the time of appointment and at all times during service as  
13 Director. The Director shall assist the Commission in developing rules and standards for cases  
14 accepted for review, coordinate investigation of cases accepted for review, maintain records for  
15 all case investigations, prepare reports outlining Commission investigations and  
16 recommendations to the trial court, and apply for and accept on behalf of the Commission any  
17 funds that may become available from government grants, private gifts, donations, or ~~bequests~~  
18 devises from any source."

19 **SECTION 12.** G.S. 15A-1466 reads as rewritten:

20 **"§ 15A-1466. Duties.**

21 The Commission shall have the following duties and powers:

22 ...

23 (6) To apply for and accept any funds that may become available for the  
24 Commission's work from government grants, private gifts, donations, or  
25 ~~bequests~~ devises from any source."

26 **SECTION 13.** G.S. 18B-701(a) reads as rewritten:

27 "(a) Powers. – A local board shall have authority to:

28 ...

29 (10) Buy and lease real and personal property, and receive property ~~bequeathed~~  
30 devised or given, as necessary for the operation of the ABC system;

31 ...."

32 **SECTION 14.** G.S. 20-77(b) reads as rewritten:

33 "(b) In the event of transfer as upon ~~inheritance, devise or bequest, inheritance or devise,~~  
34 the Division shall, upon a receipt of a certified copy of a will, letters of administration and/or a  
35 certificate from the clerk of the superior court showing that the motor vehicle registered in the  
36 name of the decedent owner has been assigned to ~~his widow~~ the owner's surviving spouse as  
37 part of ~~her year's support, the spousal year's allowance,~~ transfer both title and license as  
38 otherwise provided for transfers. If a decedent dies intestate and no administrator has qualified  
39 or the clerk of superior court has not issued a certificate of assignment as part of the ~~widow's~~  
40 spousal year's allowance, or if a decedent dies testate with a small estate and leaving a  
41 purported will, which, in the opinion of the clerk of superior court, does not justify the expense  
42 of probate and administration and probate and administration is not demanded by any interested  
43 party entitled by law to demand same, and provided that the purported will is filed in the public  
44 records of the office of the clerk of the superior court, the Division may upon affidavit executed  
45 by all heirs effect such transfer. The affidavit shall state the name of the decedent, date of  
46 death, that the decedent died intestate or testate and no administration is pending or expected,  
47 that all debts have been paid or that the proceeds from the transfer will be used for that purpose,  
48 the names, ages and relationship of all heirs and devisees (if there be a purported will), and the  
49 name and address of the transferee of the title. A surviving spouse may execute the affidavit  
50 and transfer the interest of the decedent's minor or incompetent children where such minor or

1 incompetent does not have a guardian. A transfer under this subsection shall not affect the  
2 validity nor be in prejudice of any creditor's lien."

3 **SECTION 15.** G.S. 28A-13-4 reads as rewritten:

4 **"§ 28A-13-4. Continuance of farming operations of deceased persons.**

5 When any person dies while engaged in farming operations, ~~his~~ the personal representative  
6 is authorized to continue such farming operations until the end of the current calendar year, and  
7 until all crops grown during that year are harvested. The net income from such farming  
8 operations shall be personal assets of the estate. Any indebtedness incurred in connection with  
9 such farming operations after the date of death shall be preferred over the claims of any heir,  
10 ~~legatee~~, devisee, distributee, general or unsecured creditor of said estate. Nothing herein  
11 contained shall limit the powers of a personal representative under the terms of a will."

12 **SECTION 16.** G.S. 28A-18-2(a) reads as rewritten:

13 "(a) When the death of a person is caused by a wrongful act, neglect or default of  
14 another, such as would, if the injured person had lived, have entitled ~~him~~ the injured person to  
15 an action for damages therefor, the person or corporation that would have been so liable, and  
16 his or her or their personal representatives or collectors, shall be liable to an action for  
17 damages, to be brought by the personal representative or collector of the decedent; and this  
18 notwithstanding the death, and although the wrongful act, neglect or default, causing the death,  
19 amounts in law to a felony. The personal representative or collector of the decedent who  
20 pursues an action under this section may pay from the assets of the estate the reasonable and  
21 necessary expenses, not including attorneys' fees, incurred in pursuing the action. At the  
22 termination of the action, any amount recovered shall be applied first to the reimbursement of  
23 the estate for the expenses incurred in pursuing the action, then to the payment of attorneys'  
24 fees, and shall then be distributed as provided in this section. The amount recovered in such  
25 action is not liable to be applied as assets, in the payment of debts or ~~legacies~~, devises, except  
26 as to burial expenses of the deceased, and reasonable hospital and medical expenses not  
27 exceeding four thousand five hundred dollars (\$4,500) incident to the injury resulting in death,  
28 except that the amount applied for hospital and medical expenses shall not exceed fifty percent  
29 (50%) of the amount of damages recovered after deducting attorneys' fees, but shall be  
30 disposed of as provided in the Intestate Succession Act. The limitations on recovery for  
31 hospital and medical expenses under this subsection do not apply to subrogation rights  
32 exercised pursuant to G.S. 135-40.13A. All claims filed for such services shall be approved by  
33 the clerk of the superior court and any party adversely affected by any decision of said clerk as  
34 to said claim may appeal to the superior court in term time."

35 **SECTION 17.** G.S. 28A-22-5 reads as rewritten:

36 **"§ 28A-22-5. Distribution of assets in kind in satisfaction of ~~bequests~~ devises and**  
37 **transfers in trust.**

38 (a) Subject to the provisions of subsection (b) of this section, whenever under any will  
39 or trust indenture the executor, trustee or other fiduciary is required to, or has an option to,  
40 satisfy a ~~bequest~~ devise or transfer in trust by a transfer of assets of the estate or trust in kind at  
41 the values as finally determined for federal estate tax purposes, the executor, trustee or other  
42 fiduciary shall, in the absence of contrary provisions in such will or trust indenture, be required  
43 to satisfy such ~~bequest~~ devise or transfer by the distribution of assets fairly representative of the  
44 appreciation or depreciation in the value of all property available for distribution in satisfaction  
45 of such ~~bequest~~ devise or transfer.

46 (b) The provisions of subsection (a) of this section shall not apply unless either:

- 47 (1) The decedent's surviving spouse is the beneficiary of the ~~bequest~~ devise or  
48 trust transfer described in subsection (a) of this section or of the residue of  
49 the estate or trust; or  
50 (2) Any "skip person", as that term is defined in Chapter 13 of the Internal  
51 Revenue Code of 1986, as amended, is or may be a current or future

1 beneficiary of the ~~bequest~~ devise or trust transfer described in subsection (a)  
2 of this section or of the residue of the estate or trust, and the value of the  
3 decedent's gross estate for federal tax purposes exceeds the value of the  
4 decedent's unused generation-skipping tax exemption available under  
5 Chapter 13 of the Internal Revenue Code of 1986, as amended."

6 **SECTION 18.** G.S. 28A-22-6 reads as rewritten:

7 "**§ 28A-22-6. Agreements with taxing authorities to secure benefit of federal marital**  
8 **deduction.**

9 The executor, trustee, or other fiduciary having discretionary powers under a will or trust  
10 indenture with respect to the selection of assets to be distributed in satisfaction of a ~~bequest~~  
11 devise or transfer in trust to or for the benefit of the surviving spouse of a decedent shall be  
12 authorized to enter into agreements with the Commissioner of Internal Revenue of the United  
13 States of America, and other taxing authorities, requiring the fiduciary to exercise the  
14 fiduciary's discretion so that cash and other properties distributed in satisfaction of such ~~bequest~~  
15 devise or transfer in trust will be fairly representative of the net appreciation or depreciation in  
16 value on the date, or dates, of distribution of all property then available for distribution in  
17 satisfaction of such ~~bequest~~ devise or transfer in trust. Any such fiduciary shall be authorized to  
18 enter into any other agreement not in conflict with the express terms of the will or trust  
19 indenture that may be necessary or advisable in order to secure for federal estate tax purposes  
20 the appropriate marital deduction available under the Internal Revenue Laws of the United  
21 States of America and to do and perform all acts incident to such purpose."

22 **SECTION 19.** G.S. 28A-22-7 reads as rewritten:

23 "**§ 28A-22-7. Distribution to parent or guardian of a minor.**

24 (a) If a ~~devise or legacy~~ of personal property to a person under the age of 18 has a total  
25 value of less than one thousand five hundred dollars (\$1,500), and the devisee ~~or legatee~~ is  
26 residing in the same household with a parent or a guardian appointed prior to the decedent's  
27 death, the personal representative may distribute to the parent or guardian the ~~devise or legacy-~~  
28 devise. However, such distribution shall only be made with the prior approval of the clerk of  
29 court who issued the letters testamentary or of administration.

30 (b) If such distribution has been made the parent or guardian shall use the property  
31 solely for the education, maintenance and support of the ~~devisee or legatee-~~ devisee. However,  
32 the parent or guardian shall not be required to file an accounting with the clerk of court or to  
33 the personal representative, nor shall such distribution be cause for a delay in the filing of the  
34 personal representative's final account under the provisions of Article 21 of this Chapter.

35 (c) This section establishes a procedure that is separate from the provisions of  
36 G.S. 33-69.1 and it is not the intention of this section to repeal in whole or in part the  
37 provisions of G.S. 33-69.1.

38 (d) This section may also be applied to several ~~devises or legacies~~ of personal property  
39 to a single devisee ~~or legatee~~ having a combined total value of less than one thousand five  
40 hundred dollars (\$1,500)."

41 **SECTION 20.** G.S. 28A-23-3(b) reads as rewritten:

42 "(b) In determining the amount of the commissions, both upon personal property  
43 received and upon expenditures made, the clerk of superior court shall consider the time,  
44 responsibility, trouble and skill involved in the management of the estate. Where real property  
45 is sold to pay debts or ~~legacies-~~ devises, the commission shall be computed only on the  
46 proceeds actually applied in the payment of debts or ~~legacies-~~ devises."

47 **SECTION 21.(a)** G.S. 28A-27-5(a) reads as rewritten:

48 "(a) Any interest for which a deduction or exemption is allowed under the federal  
49 revenue laws in determining the value of the decedent's net taxable estate, such as property  
50 passing to or in trust for a surviving spouse and gifts or ~~bequests~~ devises for charitable, public,  
51 or similar purposes, shall not be included in the computation provided for in G.S. 28A-27-2 to

1 the extent of the allowable deduction or exemption. When such an interest is subject to a prior  
2 present interest which is not allowable as a deduction or exemption, such present interest shall  
3 not be included in the computation provided for in this Article and no tax shall be apportioned  
4 to or paid from principal."

5 **SECTION 21.(b)** G.S. 28A-27-5(d) reads as rewritten:

6 "(d) To the extent that property passing to or in trust for a surviving spouse or any  
7 charitable, public, or similar gift or ~~bequest~~ devise does not constitute an allowed deduction for  
8 purposes of the tax solely by reason of an inheritance tax or other death tax imposed upon and  
9 deductible from the property, the property shall not be included in the computation provided for  
10 in this Article, and to that extent no apportionment shall be made against the property. This  
11 section does not apply in any instance where the result will be to deprive the estate of a  
12 deduction otherwise allowable under Section 2053(d) of the Internal Revenue Code of 1954 of  
13 the United States or corresponding provisions of any subsequent tax law, relating to deduction  
14 for State death taxes on transfers for public, charitable, or religious uses."

15 **SECTION 22.** G.S. 29-30(c1) reads as rewritten:

16 "(c1) The notice of election shall:

- 17 (1) Be directed to the clerk with whom filed;
- 18 (2) State that the surviving spouse making the same elects to take under this  
19 section rather than under the provisions of G.S. 29-14, 29-21, or 30-3.1, as  
20 applicable;
- 21 (3) Set forth the names of all heirs, devisees, ~~legatees~~, personal representatives  
22 and all other persons in possession of or claiming an estate or an interest in  
23 the property described in subsection (a); and
- 24 (4) Request the allotment of the life estate provided for in subsection (a)."

25 **SECTION 23.** G.S. 30-23 reads as rewritten:

26 **"§ 30-23. Right of appeal.**

27 The personal representative, or the surviving spouse, or child by ~~his~~ a guardian or next  
28 friend, or any creditor, ~~legatee~~ devisee, or heir of the deceased, may appeal from the finding of  
29 the magistrate or clerk of court to the superior court of the county, and, within 10 days after the  
30 assignment, cite the adverse party to appear before such court on a certain day, not less than  
31 five nor exceeding 10 days after the service of the citation."

32 **SECTION 24.** G.S. 30-28 reads as rewritten:

33 **"§ 30-28. Nature of proceeding; parties.**

34 The application shall be by summons, as is prescribed for special proceedings, in which the  
35 personal representative of the deceased, if there be one other than the plaintiff, the largest  
36 known creditor, or ~~legatee~~, devisee, or some distributee of the deceased, living in the county,  
37 shall be made defendant, and the proceedings shall be as prescribed for special proceedings  
38 between parties."

39 **SECTION 25.** G.S. 30-32 reads as rewritten:

40 **"§ 30-32. Exceptions to the report.**

41 The personal representative, or any creditor, ~~distributee or legatee~~ distributee, or devisee of  
42 the deceased, within 10 days after the return of the report, may file exceptions thereto. The  
43 plaintiff shall be notified thereof and cited to appear before the court on a certain day, within 20  
44 and not less than 10 days after service of the notice, and answer the same; the case shall  
45 thereafter be proceeded in, heard and decided as provided in special proceedings between  
46 parties."

47 **SECTION 26.** G.S. 31-3.2 reads as rewritten:

48 **"§ 31-3.2. Kinds of wills.**

49 (a) Personal property ~~may be bequeathed~~ and real property may be devised by

- 50 (1) An attested written will which complies with the requirements of  
51 G.S. 31-3.3, or



1 (2) A holographic will which complies with the requirements of G.S. 31-3.4.  
2 (b) Personal property may also be ~~bequeathed~~ devised by a nuncupative will which  
3 complies with the requirements of G.S. 31-3.5."

4 **SECTION 27.** G.S. 31-13 reads as rewritten:

5 **"§ 31-13. Executor failing, beneficiary may apply.**

6 If no executor apply to have the will proved within 60 days after the death of the testator,  
7 any devisee or ~~legatee~~ named in the will, or any other person interested in the estate, may make  
8 such application, upon 10 days' notice thereof to the executor."

9 **SECTION 28.** G.S. 31-14 reads as rewritten:

10 **"§ 31-14. Clerk to notify ~~legatees and~~ devisees of probate of wills.**

11 The clerks of the superior court of the State are hereby required and directed to notify by  
12 mail, all ~~legatees and~~ devisees whose addresses are known, designated in wills filed for probate  
13 in their respective counties. All expense incident to such notification shall be deemed a proper  
14 charge in the administration of the respective estates."

15 **SECTION 29.** G.S. 31-16 reads as rewritten:

16 **"§ 31-16. What shown on application for probate.**

17 On application to the clerk of the superior court, he must ascertain by affidavit of the  
18 applicant –

19 (1) That such applicant is the ~~executor, devisee or legatee~~ executor or devisee  
20 named in the will, or is some other person interested in the estate, and how  
21 so interested.

22 ...."

23 **SECTION 30.** G.S. 31-18.4 reads as rewritten:

24 **"§ 31-18.4. Probate of wills of members of the armed forces.**

25 In addition to the methods already provided in existing statutes therefor, a will executed by  
26 a person while in the armed forces of the United States or the merchant marine, shall be  
27 admitted to probate (whether there were subscribing witnesses thereto or not, if they, or either  
28 of them, is out of the State at the time said will is offered for probate) upon the oath of at least  
29 three credible witnesses that the signature to said will is in the handwriting of the person whose  
30 will it purports to be. Such will so proven shall be effective to devise ~~real~~ property ~~as well as to~~  
31 ~~bequeath personal estate~~ of all kinds. This section shall not apply to cases pending in courts and  
32 at issue on the date of its ratification."

33 **SECTION 31.** G.S. 31-30 reads as rewritten:

34 **"§ 31-30. Validation of wills recorded without probate by subscribing witnesses.**

35 In all cases where wills and testaments were executed prior to the first day of January,  
36 1875, and which appear as recorded in the record of last wills and testaments to have had two  
37 or more witnesses thereto, and such last wills and testaments were admitted to probate and  
38 recorded in the record of wills in the proper county in this State prior to the first day of January,  
39 1888, without having been duly proven as provided by law, and such wills were presented to  
40 the clerk of the superior court in any county in this State where the makers of said wills owned  
41 property, and where the makers of such wills lived and died, and were by such clerks recorded  
42 in the record of wills for ~~his~~ that county, said wills and testaments or exemplified copies or  
43 certified true copies thereof, so recorded, if otherwise sufficient, shall have the effect to pass  
44 the title to real or personal property, or both, therein ~~devised and bequeathed,~~ devised, to the  
45 same extent and as completely as if the execution thereof had been duly proven by the two  
46 subscribing witnesses thereto in the manner provided by law of this State. Nothing herein shall  
47 be construed to prevent such wills from being impeached for fraud."

48 **SECTION 32.** G.S. 31-33 reads as rewritten:

49 **"§ 31-33. Bond given and cause transferred to trial docket.**

50 When a caveator shall have given bond with surety approved by the clerk, in the sum of two  
51 hundred dollars (\$200.00), payable to the propounder of the will, conditioned upon the payment

1 of all costs which shall be adjudged against such caveator in the superior court or when a  
 2 caveator shall have deposited money or given a mortgage in lieu of such bond, or shall have  
 3 filed affidavits and satisfied the clerk of ~~his~~ the caveator's inability to give such bond or  
 4 otherwise secure such costs, the clerk shall transfer the cause to the superior court for trial.  
 5 Such caveator shall cause notice of the caveat proceeding to be given to all ~~devises, legatees,~~  
 6 devises or other persons in interest in the manner provided for service of process by  
 7 G.S. 1A-1, Rule 4(j) and (k). The notice shall advise such ~~devises, legatees,~~ devises or other  
 8 persons in interest, of the session of superior court to which the proceeding has been transferred  
 9 and shall call upon them to appear and make themselves proper parties to the proceeding if they  
 10 so choose. At the session of court to which such proceeding is transferred, or as soon thereafter  
 11 as motion to that effect shall be made by the propounder, and before trial, the judge shall  
 12 require any of the ~~devises, legatees~~ devises or other persons in interest so cited, either those  
 13 who make themselves parties with the caveators or whose interests appear to him antagonistic  
 14 to that of the propounders of the will, to align themselves and to file bond within such time as  
 15 he shall direct and before trial. Upon the failure of any party to file such bond, the judge shall  
 16 dismiss that party from the proceeding but that party shall be bound by the proceeding."

17 **SECTION 33.** G.S. 31-40 reads as rewritten:

18 "**§ 31-40. What property passes by will.**

19 Any testator, by ~~his~~ a will duly executed, may ~~devise, bequeath,~~ devise or dispose of all real  
 20 and personal estate property which ~~he~~ the testator shall be entitled to at the time of ~~his~~ the  
 21 testator's death, and which, if not so ~~devised, bequeathed,~~ devised or disposed of, would  
 22 descend or devolve upon ~~his~~ the testator's heirs at law, or upon ~~his executor or administrator;~~  
 23 the testator's personal representative; and the power hereby given shall extend to all contingent,  
 24 executory, or other future interest in any real or personal estate, property, whether the testator  
 25 may or may not be the person or one of the persons in whom the same may become vested, or  
 26 whether ~~he~~ the testator may be entitled thereto under the instrument by which the same was  
 27 created, or under any disposition thereof by deed or will; and also to all rights of entry for  
 28 conditions broken, whether any such condition has or has not been broken at the testator's  
 29 death, all other rights of entry, and possibilities of reverter; and also to such of the same estates,  
 30 interests, and rights respectively, and other real and personal estate, property, as the testator  
 31 may be entitled to at the time of ~~his~~ death, notwithstanding that ~~he~~ the testator may become  
 32 entitled to the same subsequently to the execution of ~~his~~ the testator's will."

33 **SECTION 34.** G.S. 31-43 reads as rewritten:

34 "**§ 31-43. General When a general gift by will an execution operates as an exercise of**  
 35 **power of appointment.**

36 A general devise of the real estate property of the testator, or of ~~his real estate~~ the testator's  
 37 real property in any place or in the occupation of any person mentioned in the will, or otherwise  
 38 described in a general manner, shall be construed to include any real estate, property, or any  
 39 real estate property to which such description shall extend, as the case may be, which ~~he~~ the  
 40 testator may have power to appoint in any manner ~~he~~ the testator may think proper; and shall  
 41 operate as an ~~execution~~ exercise of such power, unless a contrary intention shall appear by the  
 42 will; and in like manner a ~~bequest~~ devise of the personal estate property of the testator, or any  
 43 ~~bequest~~ devise of personal property, described in a general manner, shall be construed to  
 44 include any personal estate, property, or any personal estate property to which such description  
 45 shall extend, as the case may be, which ~~he~~ the testator may have power to appoint in any  
 46 manner ~~he~~ the testator may think proper, and shall operate as an ~~execution~~ exercise of such  
 47 power, unless a contrary intention shall appear by the will."

48 **SECTION 35.** G.S. 31B-1(a) reads as rewritten:

49 "(a) A person who succeeds to a property interest as:

- 50 (1) Heir;  
 51 (2) Next of kin;

- 1 (3) Devisee;
- 2 (4) ~~Legatee;~~
- 3 ...

4 may renounce at anytime, in whole or in part, the right of succession to any property or interest  
 5 therein, including a future interest, by filing a written instrument under the provisions of this  
 6 Chapter. A renunciation may be of a fractional share or any limited interest or estate. The  
 7 renunciation shall be deemed to include the entire interest of the person whose property or  
 8 interest is being renounced unless otherwise specifically limited. A person may renounce any  
 9 interest in or power over property, including a power of appointment, even if its creator  
 10 imposed a spendthrift provision or similar restriction on transfer or a restriction or limitation on  
 11 the right to renounce. Notwithstanding the foregoing, there shall be no right of partial  
 12 renunciation if the instrument creating the interest expressly so provides."

13 **SECTION 36.** G.S. 32A-2 reads as rewritten:

14 "**§ 32A-2. Powers conferred by the Statutory Short Form Power of Attorney set out in**  
 15 **G.S. 32A-1.**

16 The Statutory Short Form Power of Attorney set out in G.S. 32A-1 confers the following  
 17 powers on the attorney-in-fact named therein:

- 18 ...
- 19 (8) Estate Transactions. – To request, ask, demand, sue for, recover, collect,  
 20 receive, and hold and possess all ~~legacies, bequests,~~ devises, as are, owned  
 21 by, or due, owing, payable, or belonging to, the principal at the time of  
 22 execution or in which the principal may thereafter acquire interest, to have,  
 23 use, and take all lawful means and equitable and legal remedies, procedures,  
 24 and writs in the name of the principal for the collection and recovery thereof,  
 25 and to adjust, sell, compromise, and agree for the same, and to make,  
 26 execute, and deliver for the principal, all endorsements, acquittances,  
 27 releases, receipts, or other sufficient discharges for the same.

28 ...."

29 **SECTION 37.** G.S. 35A-1227(b) reads as rewritten:

30 "(b) A devise ~~or legacy~~ of personal property to a minor may be distributed to the minor's  
 31 parent or guardian with the approval of the clerk as provided in G.S. 28A-22-7."

32 **SECTION 38.** G.S. 35A-1303 reads as rewritten:

33 "**§ 35A-1303. Fund from sale has character of estate sold and subject to same trusts.**

34 Whenever, in consequence of any sale under G.S. 35A-1301, the real or personal property  
 35 of the ward is saved from demands to which in the first instance it may be liable, the final  
 36 decree shall declare and set apart a portion of the personal or real estate thus saved, of value  
 37 equal to the real and personal estate sold, as property exchanged for that sold; and in all sales  
 38 by guardians whereby real is substituted by personal, or personal by real property, the  
 39 beneficial interest in the property acquired shall be enjoyed, ~~alienated, devised or bequeathed,~~  
 40 alienated, or devised and shall descend and be distributed, as by law the property sold might  
 41 and would have been had it not been sold, until it be reconverted from the character thus  
 42 impressed upon it by some act of the owner and restored to its character proper."

43 **SECTION 39.** G.S. 35A-1336.1 reads as rewritten:

44 "**§ 35A-1336.1. Prerequisites to approval by judge of gifts to individuals.**

45 The judge shall not approve gifts from income to individuals unless it appears to the judge's  
 46 satisfaction that both the following requirements are met:

- 47 ...
- 48 (2) The judge determines that either:
  - 49 a. The incompetent, prior to being declared incompetent, executed a
  - 50 paper-writing with the formalities required by the laws of North
  - 51 Carolina for the execution of a valid will, including a paper-writing

1 naming as beneficiary a revocable trust created by the incompetent,  
 2 and each donee is entitled to one or more specific ~~legacies, bequests,~~  
 3 devises, or distributions of specific amounts of money, income, or  
 4 property under the paper-writing or the revocable trust or both or is a  
 5 residuary ~~legatee, devisee,~~ devisee or beneficiary designated in the  
 6 paper-writing or revocable trust or both; or

7 ...."

8 **SECTION 40.** G.S. 35A-1341 reads as rewritten:

9 **"§ 35A-1341. Prerequisites to approval by judge of gifts for governmental or charitable**  
 10 **purposes.**

11 The judge shall not approve any gifts from principal for governmental or charitable  
 12 purposes unless it appears to the judge's satisfaction all of the following requirements are met:

13 ...

14 (6) Either a. or b. applies:

15 a. All of the following apply:

- 16 1. The incompetent, prior to being declared incompetent,  
 17 executed a paper-writing with the formalities required by the  
 18 laws of North Carolina for the execution of a valid will,  
 19 including a paper-writing naming as beneficiary a revocable  
 20 trust created by the incompetent.
- 21 2. Specific ~~legacies, bequests,~~ devises, or nondiscretionary  
 22 distributions of specific amounts of money, income or  
 23 property included in the paper-writing or revocable trust or  
 24 both, will not be jeopardized by making the gifts.
- 25 3. All residuary ~~legatees,~~ devisees and beneficiaries designated  
 26 in the paper-writing or revocable trust or both, who would  
 27 take under the paper-writing or revocable trust or both, if the  
 28 incompetent died contemporaneously with the signing of the  
 29 order of approval of the gifts and the paper-writing was  
 30 probated as the incompetent's will and the spouse, if any, of  
 31 the incompetent have been given at least 10 days' written  
 32 notice that approval for the gifts will be sought and that  
 33 objection may be filed with the clerk of superior court of the  
 34 county in which the guardian was appointed, within the  
 35 10-day period.

36 b. Both of the following apply:

- 37 1. That so far as is known the incompetent has not prior to being  
 38 declared incompetent, executed a will which could be  
 39 probated upon the death of the incompetent; and
- 40 2. All persons who would share in the incompetent's intestate  
 41 estate, if the incompetent died contemporaneously with the  
 42 signing of the order of approval, have been given at least 10  
 43 days' written notice that approval for the gifts will be sought  
 44 and that objection may be filed with the clerk of the superior  
 45 court, of the county in which the guardian was appointed,  
 46 within the 10-day period.

47 ...."

48 **SECTION 41.** G.S. 35A-1341.1 reads as rewritten:

49 **"§ 35A-1341.1. Prerequisites to approval by judge of gifts to individuals.**

50 The judge shall not approve gifts from principal to individuals unless it appears to the  
 51 judge's satisfaction that all of the following requirements have been met:

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- ...
- (4) The judge determines that either a., b., c., or d. applies.
    - a. All of the following apply:
      - 1. The incompetent, prior to being declared incompetent, executed a paper-writing with the formalities required by the laws of North Carolina for the execution of a valid will, including a paper-writing naming as beneficiary a revocable trust created by the incompetent.
      - 2. Each donee is entitled to one or more specific ~~legacies, bequests,~~ devises, or distributions of specific amounts of money, income, or property under either the paper-writing or revocable trust or both or is a residuary ~~legatee, devisee,~~ devisee or beneficiary designated in the paper-writing or revocable trust or both.
      - 3. The making of the gifts will not jeopardize any specific ~~legacy, bequest,~~ devise, or distribution of specific amounts of money, income, or property.
    - b. That so far as is known the incompetent has not, prior to being declared incompetent, executed a will which could be probated upon the death of the incompetent, and each donee is a person who would share in the incompetent's intestate estate, if the incompetent died contemporaneously with the signing of the order of approval of the gifts.
    - c. The donee is a person who would share in the incompetent's nonprobate estate, if the incompetent died contemporaneously with the signing of the order of approval.
    - d. The donee is the spouse, parent, descendant of the incompetent, or descendant of the incompetent's parent, and the amount of the gift does not exceed the federal annual gift tax exclusion.
  - (5) If the incompetent, prior to being declared incompetent, executed a paper-writing with the formalities required by the laws of North Carolina for the execution of a valid will, including a paper-writing naming as beneficiary a revocable trust created by the incompetent; then all residuary ~~legatees, devisees,~~ devisees and beneficiaries designated in the paper-writing or revocable trust or both, who would take under the paper-writing or revocable trust or both if the incompetent died contemporaneously with the signing of the order of approval of the gifts and the paper-writing was probated as the incompetent's will, the spouse, if any, of the incompetent and all persons identified in G.S. 35A-1341.1(7) have been given at least 10 days' written notice that approval for the gifts will be sought and that objection may be filed with the clerk of superior court of the county in which the guardian was appointed, within the 10-day period.

...."

**SECTION 42.** G.S. 35A-1342 reads as rewritten:

**"§ 35A-1342. Who deemed specific and residuary ~~legatees and devisees~~ of incompetent under § 35A-1341.**

For purposes of G.S. 35A-1341(6)a and G.S. 35A-1341.1(4) and (5), if the paper-writing provides for the residuary estate to be placed in trust for a term of years, or if the paper-writing names as beneficiary a revocable trust created by the incompetent, and the trust or trusts include dispositive provisions which provide that assets continue in trust for a term of years with stated amounts of income payable to designated beneficiaries during the term and stated

1 amounts payable to designated beneficiaries upon termination of the trust or trusts, the  
 2 designated beneficiaries shall be deemed to be specific ~~legatees, devisees,~~ devisees and  
 3 beneficiaries and those taking the remaining income of the trust or trusts and, at the end of the  
 4 term, the remaining principal shall be deemed to be residuary ~~legatees, devisees,~~ devisees and  
 5 beneficiaries who would take under the paper-writing or revocable trust or both if the  
 6 incompetent died contemporaneously with the signing of the order of approval of the gifts. In  
 7 no case shall any prospective executor or trustee be considered either a specific or residuary  
 8 ~~legatee, devisee,~~ devisee or beneficiary on the sole basis of prospective service as executor or  
 9 trustee."

10 **SECTION 43.** G.S. 35A-1351 reads as rewritten:

11 "**§ 35A-1351. Prerequisites to approval of gift.**

12 The judge shall not approve the gift unless it appears to ~~his~~ the judge's satisfaction that:

13 ...

14 (5) Either:

- 15 a.1. The incompetent, prior to being declared incompetent,  
 16 executed a paper-writing, with the formalities required by the  
 17 laws of North Carolina for the execution of a valid will;  
 18 2. Specific ~~legacies, bequests or~~ devises of specific amounts of  
 19 money, income or property included in such paper-writing,  
 20 will not be jeopardized by making such gifts;  
 21 3. All residuary ~~legatees and~~ devisees designated in such  
 22 paper-writing, who would take under the paper-writing if the  
 23 incompetent died contemporaneously with the signing of the  
 24 order of approval of such gifts, and such paper-writing was  
 25 probated as the incompetent's will and the spouse, if any, of  
 26 such incompetent have been given at least 10 days' written  
 27 notice that approval for such gifts will be sought and that  
 28 objection may be filed with the clerk of superior court, of the  
 29 county in which the guardian or trustee was appointed, within  
 30 the 10-day period; or  
 31 b.1. That so far as is known the incompetent has not prior to being  
 32 declared incompetent, executed a will which could be  
 33 probated upon the death of the incompetent; and  
 34 2. All persons who would share in the incompetent's estate, if  
 35 the incompetent died contemporaneously with the signing of  
 36 the order of approval, have been given at least 10 days'  
 37 written notice that approval for such gifts will be sought and  
 38 that objection may be filed with the clerk of the superior  
 39 court, of the county in which the guardian or trustee was  
 40 appointed, within the 10-day period."

41 **SECTION 44.** G.S. 35A-1352 reads as rewritten:

42 "**§ 35A-1352. Who deemed specific and residuary ~~legatees and~~ devisees of incompetent**  
 43 **under § 35A-1351.**

44 For purposes of ~~G.S. 35A-1351(5)a~~ G.S. 35A-1351(5)a, of this Article, if such  
 45 paper-writing provides for the residuary estate to be placed in trust for a term of years, with  
 46 stated amounts of income payable to designated beneficiaries during the term and stated  
 47 amounts payable to designated beneficiaries upon termination of the trust, such designated  
 48 beneficiaries shall be deemed to be specific ~~legatees and~~ devisees and those taking the  
 49 remaining income of the trust and, at the end of the term, the remaining principal shall be  
 50 deemed to be residuary ~~legatees or~~ devisees who would take under the paper-writing if the  
 51 incompetent died contemporaneously with the signing of the order of approval of such gifts. In

1 no case shall any prospective executor or trustee be considered either a specific or residuary  
2 legatee or devisee."

3 **SECTION 45.** G.S. 36C-4-401 reads as rewritten:

4 **"§ 36C-4-401. Methods of creating trust.**

5 A trust may be created by any of the following methods:

6 (1) Transfer of property by a settlor to a person as trustee during the settlor's  
7 lifetime or by will or other disposition taking effect upon the settlor's death  
8 including either of the following:

- 9 a. The devise or ~~bequest~~ to the trustee of the trust as provided in  
10 G.S. 31-47.  
11 b. The designation of the trust as beneficiary of life insurance or other  
12 death benefits as provided in G.S. 36C-4-401.1.

13 ...."

14 **SECTION 46.(a)** G.S. 36D-4(h) reads as rewritten:

15 "(h) The Community Third Party or Pooled Trust may accept contributions, ~~bequests,~~  
16 ~~devises,~~ and designations under life insurance policies to the Community Third Party or Pooled  
17 Trust on behalf of individuals with severe chronic disabilities for the purpose of qualifying  
18 them as beneficiaries."

19 **SECTION 46.(b)** G.S. 36D-4(i) reads as rewritten:

20 "(i) At the time a contribution, ~~bequest,~~ devise, or assignment of insurance proceeds is  
21 made to a Community Third Party Trust, or to a beneficiary of a Pooled Trust, the trustor shall  
22 receive a written statement of the services to be provided to the beneficiary. The statement shall  
23 include a starting date for the delivery of services or the condition precedent, such as the death  
24 of the trustor, which shall determine the starting date. The statement shall describe the  
25 frequency with which services shall be provided and their duration, and the criteria or  
26 procedures for modifying the program of services from time to time in the best interests of the  
27 beneficiary. In addition, there shall be a properly executed trust agreement between the  
28 Community Third Party or Pooled Trust and the trustor."

29 **SECTION 47.** G.S. 37A-1-102 reads as rewritten:

30 **"§ 37A-1-102. Definitions.**

31 The following definitions apply in this Chapter:

32 ...

33 (2) "Beneficiary" includes, in the case of a decedent's estate, an ~~heir, legatee,~~  
34 heir and devisee and, in the case of a trust, an income beneficiary and a  
35 remainder beneficiary.

36 ...."

37 **SECTION 48.** G.S. 37A-2-201 reads as rewritten:

38 **"§ 37A-2-201. Determination and distribution of net income.**

39 After a decedent dies, in the case of an estate, or after an income interest in a trust ends, the  
40 following rules apply:

41 ...

42 (3) Unless the will or trust instrument otherwise provides, or the court otherwise  
43 directs, a fiduciary shall distribute to a beneficiary who receives a pecuniary  
44 amount outright interest, computed as provided in G.S. 24-1 from the date  
45 that is one year following the date of death of the person whose death gives  
46 rise to the payment of the pecuniary ~~bequest~~ devise or the happening of the  
47 contingency that causes the income interest to end, from net income  
48 determined under subdivision (2) of this section or from principal to the  
49 extent that net income is insufficient. However, this subdivision shall not  
50 apply to a pecuniary ~~bequest;~~ devise:

- 1 a. To or for the benefit of a decedent's surviving spouse that is or can be  
2 qualified for the federal estate tax marital deduction; or  
3 b. To or for the benefit of charitable organizations that are qualified for  
4 the federal estate tax charitable deduction, including a charitable  
5 remainder trust.

6 ...."

7 **SECTION 49.** G.S. 41-6.2(a) reads as rewritten:

8 "(a) The law of this State does not include: (i) the common-law rule of worthier title that  
9 a grantor or testator cannot convey or devise an interest to ~~his~~ the grantor's or testator's own  
10 heirs, or (ii) a presumption or rule of interpretation that a grantor or testator does not intend, by  
11 a ~~grant, devise or bequest~~ grant or devise to his the grantor's or testator's own heirs or next of  
12 kin, to transfer an interest to them. The meaning of a ~~grant, devise or bequest~~ grant or devise  
13 of a legal or equitable interest to a grantor's or testator's own heirs or next of kin, however  
14 designated, shall be determined by the general rules applicable to the interpretation of grants or  
15 wills."

16 **SECTION 50.(a)** G.S. 41-11.1(a) reads as rewritten:

17 "(a) Wherever there is a gift, devise, ~~bequest,~~ transfer or conveyance of a vested estate or  
18 interest in real or personal property, or both, to persons described as a class, and at the effective  
19 date thereof, one or more members of the class are in esse, and there is a possibility in law that  
20 the membership of the class may later be increased by one or more members not then in esse, a  
21 special proceeding may be instituted in the superior court for the sale, lease or mortgage of  
22 such real or personal property, or both, as provided in this section."

23 **SECTION 50.(b)** G.S. 41-11.1(n) reads as rewritten:

24 "(n) Provided, however, this section shall not be applicable where the instrument  
25 creating the gift, devise, ~~bequest,~~ transfer or conveyance specifically directs, by means of the  
26 creation of a trust or otherwise, the manner in which the property shall be used or disposed of,  
27 or contains specific limitations, conditions or restrictions as to the use, form, investment,  
28 leasing, mortgage, or other disposition of the property."

29 **SECTION 50.(c)** G.S. 41-11.1(o) reads as rewritten:

30 "(o) And provided further, this section shall not alter or affect in any way laws or legal  
31 principles heretofore, now, or hereafter existing relating to the determination of the nature,  
32 extent or vesting of estates or property interests, and of the persons entitled thereto. But where,  
33 under the laws and legal principles existing without regard to this section, a gift, devise,  
34 ~~bequest,~~ transfer or conveyance has the legal effect of being made to all members of a class,  
35 some of whom are in esse and some of whom are in posse, the procedures authorized hereby  
36 may be utilized for the purpose of promoting the best interests of all members of the class, and  
37 this section shall be liberally construed to effectuate this intent. The remedies and procedures  
38 herein specified shall not be exclusive, but shall be cumulative, in addition to, and without  
39 prejudice to, all other remedies and procedures, if any, which now exist or hereafter may exist  
40 either by virtue of statute, or by virtue of the inherent powers of any court of competent  
41 jurisdiction, or otherwise."

42 **SECTION 50.(d)** G.S. 41-11.1(p) reads as rewritten:

43 "(p) The provisions of this section shall apply to gifts, devises, ~~bequests,~~ transfers, and  
44 conveyances made both before and after April 5, 1949."

45 **SECTION 51.** G.S. 50-20(b) reads as rewritten:

46 "(b) For purposes of this section:

47 ...

- 48 (2) "Separate property" means all real and personal property acquired by a  
49 spouse before marriage or acquired by a spouse by ~~bequest,~~ devise, descent,  
50 or gift during the course of the marriage. However, property acquired by gift  
51 from the other spouse during the course of the marriage shall be considered



1 separate property only if such an intention is stated in the conveyance.  
2 Property acquired in exchange for separate property shall remain separate  
3 property regardless of whether the title is in the name of the husband or wife  
4 or both and shall not be considered to be marital property unless a contrary  
5 intention is expressly stated in the conveyance. The increase in value of  
6 separate property and the income derived from separate property shall be  
7 considered separate property. All professional licenses and business licenses  
8 which would terminate on transfer shall be considered separate property.

9 .... "

10 **SECTION 52.** G.S. 52-1 reads as rewritten:

11 **"§ 52-1. Property of married persons secured.**

12 The real and personal property of any married person in this State, acquired before marriage  
13 or to which he or she may after marriage become in any manner entitled, shall be and remain  
14 the sole and separate estate and property of such married person and may be ~~devised,~~  
15 ~~bequeathed~~ devised and conveyed by such married person subject to G.S. 50-20 and such other  
16 regulations and limitations as the General Assembly may prescribe."

17 **SECTION 53.** G.S. 55A-11-07 reads as rewritten:

18 **"§ 55A-11-07. ~~Bequests, devises,~~ Devises and gifts.**

19 Any ~~bequest,~~ devise, gift, grant, or promise contained in a will or other instrument of  
20 donation, subscription, or conveyance, that is made to a constituent corporation and that takes  
21 effect or remains payable after the merger, inures to the survivor in the merger unless the will  
22 or other instrument otherwise specifically provides."

23 **SECTION 54.** G.S. 55A-11-10(g) reads as rewritten:

24 "(g) All of the following shall occur upon an effective merger under this section:

25 ...

26 (6) Any ~~bequest,~~ devise, gift, grant, or promise contained in a will or other  
27 instrument of donation, subscription, or conveyance that is made to a city  
28 hospital authority that has merged into a charitable or religious corporation  
29 or into a county hospital authority and that takes effect or remains payable  
30 after the merger, inures to the surviving charitable or religious corporation or  
31 the surviving county hospital authority unless the will or other instrument  
32 otherwise specifically provides."

33 **SECTION 55.** G.S. 58-10-5 reads as rewritten:

34 **"§ 58-10-5. Stock acquired to be turned over to voting trust until all stock acquired;  
35 dividends repaid to corporation for beneficiaries.**

36 If a domestic stock life insurance corporation shall determine to become a mutual life  
37 insurance corporation it may, in carrying out any plan to that end under the provisions of  
38 G.S. 58-10-1, acquire any shares of its own stock by gift, ~~bequest~~ devise, or purchase. And until  
39 all such shares are acquired, any shares so acquired shall be acquired in trust for the  
40 policyholders of the corporation as hereinafter provided, and shall be assigned and transferred  
41 on the books of the corporation to not less than three nor more than five trustees, and be held by  
42 them in trust and be voted by such trustees at all corporate meetings at which stockholders have  
43 the right to vote until all of the capital stock of such corporation is acquired, when the entire  
44 capital stock shall be retired and canceled; and thereupon, unless sooner incorporated as such,  
45 the corporation shall be and become a mutual life insurance corporation without capital stock.  
46 Said trustees shall be appointed and vacancies shall be filled as provided in the plan adopted  
47 under G.S. 58-10-1. Said trustees shall file with the corporation and with the Commissioner a  
48 verified acceptance of their appointments and declaration that they will faithfully discharge  
49 their duties as such trustees. After the payment of such dividends to stockholders or former  
50 stockholders as may have been provided in the plan adopted under G.S. 58-10-1, all dividends  
51 and other sums received by said trustees on said shares of stock so acquired, after paying the

1 necessary expenses of executing said trust, shall be immediately repaid to said corporation for  
 2 the benefit of all who are or may become policyholders of said corporation and entitled to  
 3 participate in the profits thereof, and shall be added to and become a part of the surplus earned  
 4 by said corporation, and be apportionable accordingly as a part of said surplus among said  
 5 policyholders."

6 **SECTION 56.** G.S. 58-58-205 reads as rewritten:

7 **"§ 58-58-205. Definitions.**

8 As used in this Article:

9 ...

10 (11) "Viatical settlement contract" means a written agreement establishing the  
 11 terms under which compensation or anything of value will be paid, which  
 12 compensation or value is less than the expected death benefit of the policy,  
 13 in return for the viator's assignment, transfer, sale, ~~devise, or bequest~~ or  
 14 devise of the death benefit or ownership of any portion of the policy. A  
 15 viatical settlement contract also includes a contract for a loan or other  
 16 financing transaction with a viator secured primarily by a policy, other than  
 17 a loan by a life insurance company under the terms of the life insurance  
 18 contract, or a loan secured by the cash value of a policy. A viatical  
 19 settlement contract includes an agreement with a viator to transfer ownership  
 20 or change the beneficiary designation at a later date regardless of the date  
 21 that compensation is paid to the viator.

22 ...."

23 **SECTION 57.** G.S. 58-58-300 reads as rewritten:

24 **"§ 58-58-300. Authority to adopt rules.**

25 The Commissioner may:

26 ...

27 (2) Establish standards for evaluating reasonableness of payments under  
 28 contracts for persons who are terminally or chronically ill, including  
 29 standards for the amount paid in exchange for assignment, transfer, sale,  
 30 ~~devise, or bequest~~ or devise of a benefit under a policy.

31 ...."

32 **SECTION 58.** G.S. 58-78-5(a) reads as rewritten:

33 "(a) The Commission shall have the following powers and duties:

34 ...

35 (5) To accept gifts, ~~bequests,~~ ~~devises,~~ grants, matching funds, and other  
 36 considerations from private or governmental sources for use in promoting its  
 37 work;

38 ...."

39 **SECTION 59.** G.S. 59B-5 reads as rewritten:

40 **"§ 59B-5. Real and personal property; nonprofit association as ~~legatee, devisee,~~ devisee or**  
 41 **beneficiary.**

42 (a) A nonprofit association is a legal entity separate from its members for the purposes  
 43 of acquiring, holding, encumbering, and transferring real and personal property.

44 (b) A nonprofit association, in its name, may acquire, hold, encumber, or transfer an  
 45 estate or interest in real or personal property.

46 (c) A nonprofit association may be a beneficiary of a trust or ~~contract, a legatee,~~  
 47 contract or a devisee.

48 (d) Any judgments and executions against a nonprofit association bind its real and  
 49 personal property in like manner as if it were incorporated."

50 **SECTION 60.** G.S. 64-4 reads as rewritten:

51 **"§ 64-4. Escheats.**

1 If a decedent owning personal property located within North Carolina shall leave no heirs,  
2 heirs at law or ~~legatees~~ devises other than persons disqualified from inheritance under  
3 G.S. 64-3, then such personal property shall escheat."

4 **SECTION 61.** G.S. 78A-2 reads as rewritten:

5 **"§ 78A-2. Definitions.**

6 When used in this Chapter, unless the context otherwise requires:

7 ...  
8 (13) "Viatical settlement contract" means an agreement for the purchase, sale,  
9 assignment, transfer, ~~devise, or bequest~~ or devise of all or any portion of the  
10 death benefit or ownership of a life insurance policy or contract for  
11 consideration which is less than the expected death benefit of the life  
12 insurance policy or contract. "Viatical settlement contract" does not include:

- 13 a. The assignment, transfer, sale, ~~devise, or bequest~~ or devise of a death  
14 benefit of a life insurance policy or contract made by the viator to an  
15 insurance company or to a viatical settlement provider or broker  
16 licensed pursuant to the Viatical Settlements Act (Part 5 of Article 58  
17 of Chapter 58 of the General Statutes);  
18 b. The assignment of a life insurance policy or contract to a bank,  
19 savings bank, savings and loan association, credit union, or other  
20 licensed lending institution as collateral for a loan; or  
21 c. The exercise of accelerated benefits pursuant to the terms of a life  
22 insurance policy or contract and consistent with applicable law."

23 **SECTION 62.** G.S. 88A-8 reads as rewritten:

24 **"§ 88A-8. The Board may accept contributions, etc.**

25 The Board may accept grants, contributions, ~~devises, bequests,~~ and gifts that shall be kept  
26 in the same account as the funds deposited in accordance with G.S. 88A-7 and shall be used to  
27 carry out the provisions of this Chapter."

28 **SECTION 63.** G.S. 90-171.26 reads as rewritten:

29 **"§ 90-171.26. The Board may accept contributions, etc.**

30 The Board may accept grants, contributions, ~~devises, bequests,~~ devises, and gifts which  
31 shall be kept in a separate fund and shall be used by it to enhance the practice of nursing."

32 **SECTION 64.** G.S. 90-210.121 reads as rewritten:

33 **"§ 90-210.121. Definitions.**

34 As used in this Article, unless the context requires otherwise:

35 ...  
36 (13) "Crematory manager" means the person who is responsible for the  
37 management and operation of the crematory. A crematory manager must  
38 either be licensed to practice funeral directing or funeral service and be  
39 qualified as a crematory technician or must obtain a crematory manager  
40 permit issued by the Board. In order to receive a crematory manager permit,  
41 a person must:

- 42 a. Be at least 18 years of age.  
43 b. Be of good moral character.  
44 c. Be qualified as a crematory technician.

45 Notwithstanding any other provision of law, a crematory that is licensed by  
46 the Board prior to January 1, 2004, and as of that date is not managed by a  
47 crematory manager who is licensed to practice funeral directing or funeral  
48 service, or who has a crematory manager permit, may continue to be  
49 managed by a crematory manager who is not licensed to practice funeral  
50 directing or funeral service or who does not have a crematory manager

1 permit so long as there is no sale, transfer, devise, ~~bequest~~, gift, or any other  
2 disposal of a controlling interest in the crematory.

3 ...."

4 **SECTION 65.** G.S. 90-526(b) reads as rewritten:

5 "(b) The Board may accept grants, contributions, ~~bequests~~, devises, and gifts that shall  
6 be kept in a separate fund and shall be used by it to enhance the practice of athletic trainers."

7 **SECTION 66.** G.S. 90A-75(b) reads as rewritten:

8 "(b) Contributions. – The Board may accept grants, contributions, ~~bequests~~, devises, and  
9 gifts that shall be kept in the same account as the funds deposited in accordance with this  
10 Article and other provisions of the law."

11 **SECTION 67.** G.S. 90C-26 reads as rewritten:

12 **"§ 90C-26. The Board may accept contributions, etc.**

13 The Board may accept grants, contributions, ~~devises~~, ~~bequests~~, and gifts that shall be kept  
14 in a separate fund and shall be used by it to publicize the licensure program and its protective  
15 benefits to the public."

16 **SECTION 68.** G.S. 98-6 reads as rewritten:

17 **"§ 98-6. Establishing contents of will, where original and copy destroyed.**

18 Any person desirous of establishing the contents of a will destroyed as aforesaid, there  
19 being no copy thereof, may file ~~his~~ a petition in the office of the clerk of the superior court,  
20 setting forth the entire contents thereof, according to the best of ~~his~~ the person's knowledge,  
21 information and belief. All persons having an interest under the same shall be made parties, and  
22 if the truth of such petition is denied, the issues of fact shall be transferred to the superior court  
23 for trial by a jury, whether the will was recorded, and if so recorded, the contents thereof, and  
24 the declarations of the judge shall be recorded as the will of the testator. Any devisee ~~or~~ legatee  
25 is a competent witness as to the contents of every part of said will, except such as may concern  
26 his own interest in the same."

27 **SECTION 69.** G.S. 105-239.1(a) reads as rewritten:

28 "(a) Lien and Liability. – Property transferred for an inadequate consideration to a  
29 donee, heir, ~~legatee~~, devisee, distributee, stockholder of a liquidated corporation, or any other  
30 person at a time when the transferor is insolvent or is rendered insolvent by reason of the  
31 transfer is subject to a lien for any taxes owing by the transferor to the State of North Carolina  
32 at the time of the transfer whether or not the amount of the taxes has been ascertained or  
33 assessed at the time of the transfer. G.S. 105-241 applies to this tax lien. In the event the  
34 transferee has disposed of the property so that it cannot be subjected to the State's tax lien, the  
35 transferee is personally liable for the difference between the fair market value of the property at  
36 the time of the transfer and the actual consideration, if any, paid to the transferor by the  
37 transferee."

38 **SECTION 70.** G.S. 105-278.6A(c) reads as rewritten:

39 "(c) Total Exclusion. – A retirement facility qualifies for total exclusion under this  
40 section if it meets all of the following conditions:

41 ...

42 (5) It has an active program to generate funds through one or more sources, such  
43 as gifts, grants, trusts, ~~bequests~~, devises, endowment, or an annual giving  
44 program, to assist the retirement facility in serving persons who might not be  
45 able to reside there without financial assistance or subsidy.

46 ...."

47 **SECTION 71.** G.S. 105-306(c) reads as rewritten:

48 "(c) For purposes of this Subchapter:

49 ...

50 (5) Personal property of which a decedent died possessed, if not under the  
51 control of ~~an executor or administrator~~, a personal representative, shall be

1 listed in the names of the next of kin or ~~legatees~~ devises if known, but such  
 2 property may be listed as property of "the next of kin" or "the ~~legatees~~-  
 3 devises" of the decedent, without naming them, until they have given the  
 4 assessor notice of their names and of the division of the estate. It shall be the  
 5 duty of ~~an executor or administrator~~ a personal representative having control  
 6 of personal property to list it in ~~his~~ the personal representative's fiduciary  
 7 capacity, as required by subdivision (c)(6), below, until ~~he~~ the personal  
 8 representative is divested of control of the property.

9 ...."

10 **SECTION 72.** G.S. 106-6.2 reads as rewritten:

11 **"§ 106-6.2. Create special revenue funds for certain agricultural centers.**

12 (a) The Eastern North Carolina Agricultural Center Fund is created within the  
 13 Department of Agriculture and Consumer Services as a special revenue fund. This Fund shall  
 14 consist of receipts from the sale of naming rights to any facility located at the Eastern North  
 15 Carolina Agricultural Center at Williamston, investments earnings on these ~~moneys,~~ monies,  
 16 and any gifts, ~~bequests,~~ devises, or grants from any source for the benefit of the Eastern North  
 17 Carolina Agricultural Center. All interest that accrues to this Fund shall be credited to this  
 18 Fund. Any balance remaining in this Fund at the end of any fiscal year shall not revert. The  
 19 Department may use this Fund only to promote, improve, repair, maintain, or operate the  
 20 Eastern North Carolina Agricultural Center.

21 (b) The Southeastern North Carolina Agricultural Center Fund is created within the  
 22 Department of Agriculture and Consumer Services as a special revenue fund. This Fund shall  
 23 consist of receipts from the sale of naming rights to any facility located at the Southeastern  
 24 North Carolina Agricultural Center at Lumberton, investments earnings on these ~~moneys,~~  
 25 monies, and any gifts, ~~bequests,~~ devises, or grants from any source for the benefit of the  
 26 Southeastern North Carolina Agricultural Center. All interest that accrues to this Fund shall be  
 27 credited to this Fund. Any balance remaining in this Fund at the end of any fiscal year shall not  
 28 revert. The Department may use this Fund only to promote, improve, repair, maintain, or  
 29 operate the Southeastern North Carolina Agricultural Center."

30 **SECTION 73.** G.S. 106-568.17 reads as rewritten:

31 **"§ 106-568.17. Acceptance of gifts, ~~bequests~~ devises, and awards; display thereof.**

32 The said board is hereby empowered to accept and receive gifts, ~~bequests,~~ devises, and  
 33 awards which are to become the sole property of said North Carolina Agricultural Hall of Fame  
 34 and are to be kept in a proper manner in a suitable room or hall in some state-owned building in  
 35 Raleigh, provided that duplicates of such gifts, ~~bequests,~~ devises, and awards may be displayed  
 36 in a suitable room or hall in the School of Agriculture of the North Carolina State College of  
 37 Agriculture and Engineering at Raleigh, North Carolina."

38 **SECTION 74.(a)** G.S. 113-36(c) reads as rewritten:

39 "(c) Forest Seedling Nursery Program Fund. – The Forest Seedling Nursery Program  
 40 Fund is created within the Department of Environment and Natural Resources, Division of  
 41 Forest Resources, as a special revenue fund. Except as provided in subsection (b) of this  
 42 section, this Fund shall consist of receipts from the sale of seed and seedlings as authorized in  
 43 G.S. 113-35 and any gifts, ~~bequests,~~ devises, or grants for the benefit of this Fund. No General  
 44 Fund appropriations shall be credited to this Fund. Any balance remaining in this Fund at the  
 45 end of any fiscal year shall not revert. The Department may use this Fund only to develop,  
 46 improve, repair, maintain, operate, or otherwise invest in the Forest Seedling Nursery  
 47 Program."

48 **SECTION 74.(b)** G.S. 113-36(d) reads as rewritten:

49 "(d) Bladen Lakes State Forest Fund. – The Bladen Lakes State Forest Fund is created  
 50 within the Department of Environment and Natural Resources, Division of Forest Resources, as  
 51 a special revenue fund. This Fund shall consist of receipts from the sale of forest products from

1 Bladen Lakes State Forest as authorized in G.S. 113-35 and any gifts, ~~bequests,~~ devises, or  
2 grants for the benefit of this Fund. No General Fund appropriations shall be credited to this  
3 Fund. Any balance remaining in this Fund at the end of any fiscal year shall not revert. The  
4 Department may use this Fund only to develop, improve, repair, maintain, operate, or otherwise  
5 invest in the Bladen Lakes State Forest."

6 **SECTION 75.** G.S. 113A-153(e) reads as rewritten:

7 "(e) Acceptance and Administration of Federal or Private Funds. – The Department of  
8 Environment and Natural Resources shall have power and authority to accept, receive and  
9 administer, on behalf of the Council, any funds, gifts, ~~bequests,~~ devises, or other financial  
10 assistance given, granted or provided by legislative appropriation, or under any federal act or  
11 acts or from any federal agency, or from foundations or private sources, and to comply with all  
12 conditions and requirements necessary for the receipt, acceptance and use of said funds to the  
13 extent not inconsistent with the laws of this State and the rules thereunder pertaining to  
14 land-use planning and management. The Council shall have authority to formulate plans and  
15 projects for the approval of all funding agencies and institutions and to enter into such contracts  
16 and agreements as may be necessary for such purposes or to enter into joint agreements with  
17 any other agency or division of government for such purposes and to furnish such information  
18 as may be requested for any project or program related to or conducted pursuant to such plans  
19 and contracts. Such funds received by the Council pursuant to this provision shall be deposited  
20 in the State treasury to the account of the Council and shall remain in such account until used  
21 by the Council."

22 **SECTION 76.** G.S. 115C-410 reads as rewritten:

23 **"§ 115C-410. Power to accept gifts and grants.**

24 The Board is authorized to accept, receive, use, or reallocate to local school administrative  
25 units any gifts, donations, grants, ~~bequests,~~ devises, or other forms of voluntary contributions."

26 **SECTION 77.** G.S. 115C-490 reads as rewritten:

27 **"§ 115C-490. Creation of endowment funds; administration.**

28 Any local board of education is hereby authorized and empowered upon the passage of a  
29 resolution to create and establish a permanent endowment fund which shall be financed by  
30 gifts, donations, ~~bequests~~ devises, or other forms of voluntary contributions. Any endowment  
31 fund established under the provisions of this Article shall be administered by the members of  
32 such board of education who, ex officio, shall constitute and be known as "The Board of  
33 Trustees of the Endowment Fund of the Public Schools of \_\_\_\_\_ County  
34 or \_\_\_\_\_ City or Town" (in which shall be inserted the name of the county, city or  
35 town). The board of trustees so established shall determine its own organization and methods of  
36 procedure."

37 **SECTION 78.** G.S. 115C-491 reads as rewritten:

38 **"§ 115C-491. Boards of trustees public corporations; powers and authority generally;  
39 investments.**

40 Any board of trustees created and organized under this Article shall be a body politic,  
41 public corporation and instrumentality of government and as such may sue and be sued in  
42 matters relating to the endowment fund and shall have the power and authority to acquire, hold,  
43 purchase and invest in all forms of property, both real and personal, including, but not by way  
44 of limitation, all types of stocks, bonds, securities, mortgages and all types, kinds and subjects  
45 of investments of any nature and description. The board of trustees of said endowment fund  
46 may receive pledges, gifts, donations, ~~devises and bequests,~~ devises, and may in its discretion  
47 retain such in the form in which they are made, and may use the same as a permanent  
48 endowment fund. The board of trustees of any endowment fund created hereunder shall have  
49 the power to sell any property, real, personal or choses in action, of the endowment fund, at  
50 either public or private sale. The board of trustees shall be responsible for the prudent  
51 investment of any funds or ~~moneys~~ monies belonging to the endowment fund in the exercise of

1 its sound discretion without regard to any statute or rule of law relating to the investment of  
2 funds by fiduciaries."

3 **SECTION 79.** G.S. 115C-492 reads as rewritten:

4 "**§ 115C-492. Expenditure of funds; pledges.**

5 It is not the intent that such endowment fund created hereunder shall take the place of State  
6 appropriations or any regular appropriations, tax funds or other funds made available by  
7 counties, cities, towns or local school administrative units for the normal operation of the  
8 public schools. Any endowment fund created hereunder, or the income from same, shall be  
9 used for the benefit of the public schools of the county, city or town involved and to  
10 supplement regular and normal appropriations to the end that the public schools may improve  
11 and increase their functions, may enlarge their areas of service and may become more useful to  
12 a greater number of people. The board of trustees in its discretion shall determine the objects  
13 and purposes for which the endowment fund shall be spent. Nothing herein shall be construed  
14 to prevent the board of trustees of any such endowment fund established hereunder from  
15 receiving pledges, gifts, donations, ~~devises and bequests~~ and devises and from using the same  
16 for such lawful school purposes as the donor or donors designate: Provided, always, that the  
17 administration of any such pledges, gifts, donations, ~~devises and bequests,~~ and devises, or the  
18 expenditure of funds from same, will not impose any financial burden or obligation on the State  
19 of North Carolina or any subdivisions of government of the State. The board of trustees may,  
20 with the consent of the donor of any pledges, transfer and assign such pledges as security for  
21 loans. This consent by the donor may be made at the time of the pledge or at any time before  
22 said pledges are paid off in full. It is the purpose of this provision to enable the board of  
23 trustees to have the immediate use of funds which the donor may desire to pledge as payable  
24 over a period of years."

25 **SECTION 80.** G.S. 115C-493 reads as rewritten:

26 "**§ 115C-493. When only income from fund expended.**

27 Where the donor of said pledges, gifts, donations, ~~devises and bequests~~ and devises so  
28 provides, the board of trustees shall keep the principal of such gift or gifts intact and only the  
29 income therefrom may be expended."

30 **SECTION 81.** G.S. 115C-494 reads as rewritten:

31 "**§ 115C-494. Property and income of board of trustees exempt from State taxation.**

32 All property received, purchased, contributed or donated to the board of trustees for the  
33 benefit of any endowment fund created hereunder and all donations, gifts and ~~bequests~~ devises  
34 received or otherwise administered for the benefit of said endowment fund, as well as the  
35 principal and income from said endowment fund, shall at all times be free from taxation, of any  
36 nature whatsoever, within the State."

37 **SECTION 82.** G.S. 115D-20 reads as rewritten:

38 "**§ 115D-20. Powers and duties of trustees.**

39 The trustees of each institution shall constitute the local administrative board of such  
40 institution, with such powers and duties as are provided in this Chapter and as are delegated to  
41 it by the State Board of Community Colleges. The powers and duties of trustees shall include  
42 the following:

43 ...

- 44 (5) To receive and accept donations, gifts, ~~bequests,~~ devises, and the like from  
45 private donors and to apply them or invest any of them and apply the  
46 proceeds for purposes and upon the terms which the donor may prescribe  
47 and which are consistent with the provisions of this Chapter and the  
48 regulations of the State Board of Community Colleges.

49 ...."

50 **SECTION 83.(a)** G.S. 116-36(d) reads as rewritten:

1 "(d) The trustees of the endowment fund may receive and administer as part of the  
2 endowment fund gifts, ~~devises, and bequests~~ and devises and any other property of any kind  
3 that may come to them from the Board of Governors of the University of North Carolina or that  
4 may come to the trustees of the endowment fund from any other source, excepting always the  
5 ~~moneys~~ monies received from State appropriations and from tuition and fees collected from  
6 students and used for the general operation of the institution."

7 **SECTION 83.(b)** G.S. 116-36(f) reads as rewritten:

8 "(f) In the process of prudent investment of the fund or to realize the statutory intent of  
9 the endowment, the board of trustees of the endowment fund may expend or use interest and  
10 principal of gifts, ~~devises, and bequests;~~ and devises; provided that, the expense or use would  
11 not violate any condition or restriction imposed by the original donor of the property which is  
12 to be expended or used. To realize the statutory intent of the endowment fund, the board of  
13 trustees of the endowment fund may transfer interest or principal of the endowment fund to the  
14 useful possession of the constituent institution; provided that, the transfer would not violate any  
15 condition or restriction imposed by the original donor of the property which is the subject of the  
16 proposed transfer."

17 **SECTION 83.(c)** G.S. 116-36(j) reads as rewritten:

18 "(j) Any ~~gift, devise, or bequest~~ gift or devise of real or personal property to a  
19 constituent institution of the University of North Carolina or to the University of North  
20 Carolina or to the University of North Carolina Press or to the University of North Carolina  
21 Center for Public Television shall be presumed, nothing to the contrary appearing, a ~~gift,~~  
22 ~~devise, or bequest,~~ gift or devise, as the case may be, to the endowment fund of the respective  
23 institution or agency."

24 **SECTION 84.** G.S. 116-36.1(g) reads as rewritten:

25 "(g) As used in this section, "trust funds" means:

26 (1) ~~Moneys, Monies,~~ or the proceeds of other forms of property, received by an  
27 institution as ~~gifts, devises, or bequests~~ gifts or devises that are neither  
28 presumed nor designated to be ~~gifts, devises, or bequests~~ gifts or devises  
29 to the endowment fund of the institution;

30 ...

31 (8) The net proceeds from the disposition effected pursuant to Chapter 146,  
32 Article 7, of any interest in real property owned by or under the supervision  
33 and control of an institution if the interest in real property had first been  
34 acquired by ~~gift, devise, or bequest~~ gift or devise or through expenditure of  
35 ~~moneys~~ monies defined in this subsection (g) as "trust funds," except the net  
36 proceeds from the disposition of an interest in real property first acquired by  
37 the institution through expenditure of ~~moneys~~ monies received as a grant  
38 from a State agency;

39 ...."

40 **SECTION 85.** G.S. 116-37.2(a) reads as rewritten:

41 "(a) As used in this section, "funds" means:

42 (1) ~~Moneys, Monies,~~ or the proceeds of other forms of property, received by the  
43 University of North Carolina Hospitals at Chapel Hill as ~~gifts, devises, or~~  
44 ~~bequests;~~ gifts or devises.

45 ...

46 (6) The net proceeds from the disposition effected pursuant to Article 7 of  
47 Chapter 146 of the General Statutes of any interest in real property owned by  
48 or under the supervision and control of the University of North Carolina  
49 Hospitals at Chapel Hill if the interest in real property had first been  
50 acquired by ~~gift, devise, or bequest~~ gift or devise or through expenditure of  
51 ~~moneys~~ monies defined in this subsection, except the net proceeds from the



1 disposition of an interest in real property first acquired by the University of  
2 North Hospitals at Chapel Hill through expenditure of ~~moneys~~ monies  
3 received as a grant from a State agency."

4 **SECTION 86.** G.S. 121-4 reads as rewritten:

5 **"§ 121-4. Powers and duties of the Department of Cultural Resources.**

6 The Department of Cultural Resources shall have the following powers and duties:

7 (1) To accept gifts, ~~bequests,~~ devises, and endowments for purposes which fall  
8 within the general legal powers and duties of the Department. Unless  
9 otherwise specified by the donor or ~~legator,~~ testator, the Department may  
10 either expend both the principal and interest of any gift or ~~bequests~~ devises  
11 or may invest such funds in whole or in part, by and with the consent of the  
12 State Treasurer.

13 ...  
14 (8) In accordance with G.S. 121-9 of this Chapter, to acquire real and personal  
15 properties that have statewide historical, architectural, archaeological, or  
16 other cultural significance, by gift, purchase, ~~devise, or bequest,~~ or devise;  
17 to preserve and administer such properties; and, when necessary, to charge  
18 reasonable admission fees to such properties. In the acquisition of such  
19 property, the Department shall also have the authority to acquire nearby or  
20 adjacent property adjacent to properties having statewide significance  
21 deemed necessary for the proper use, administration, and protection of  
22 historic, architectural, archaeological, or cultural properties, or for the  
23 protection of the environment thereof.

24 ...."

25 **SECTION 87.** G.S. 121-9(b) reads as rewritten:

26 "(b) Acquisition of Historic Properties. – For the purpose of protecting or preserving any  
27 property of historical, architectural, archaeological, or other cultural importance to the people  
28 of North Carolina, and subject to the provisions of Subchapter II of Chapter 146 of the General  
29 Statutes, the Department may, with the approval of the North Carolina Historical Commission  
30 and after consultation with the Joint Legislative Commission on Governmental Operations,  
31 acquire, preserve, restore, hold, maintain, operate, and dispose of such properties, together with  
32 such adjacent lands as may be necessary for their protection, preservation, maintenance, and  
33 operation. Such property may be real or personal in nature, and in the case of real property, the  
34 acquisition may include the fee or any lesser interest therein. Property may be acquired by gift,  
35 grant, ~~bequest,~~ devise, lease, purchase, or condemnation pursuant to the provisions of Chapter  
36 40A of the General Statutes, or otherwise. Property may be acquired by the Department, using  
37 such funds as may be appropriated for the purpose or ~~moneys~~ monies available to it from any  
38 other source."

39 **SECTION 88.** G.S. 125-2 reads as rewritten:

40 **"§ 125-2. Powers and duties of Department of Cultural Resources.**

41 The Department of Cultural Resources shall have the following powers and duties:

42 ...  
43 (3) To accept gifts, ~~bequests~~ devises, and endowments for the purposes which  
44 fall within the general legal powers and duties of the Department of Cultural  
45 Resources. Unless otherwise specified by the donor or ~~legator,~~ testator, the  
46 Department of Cultural Resources may either expend both the principal and  
47 interest of any gift or ~~bequest~~ devise or may invest such sums in whole or in  
48 part, by and with the consent of the State Treasurer, in securities in which  
49 sinking funds may be invested under the provisions of G.S. 142-34.

50 ...."

51 **SECTION 89.** G.S. 130A-470(b) reads as rewritten:

1 "(b) The Secretary of State, on behalf of the State, may accept gifts, donations, ~~bequests,~~  
2 devises, and other forms of voluntary contributions; may apply for grants from public and  
3 private sources; and may expend funds received under this subsection for the purpose of  
4 promoting public education and awareness of the registry."

5 **SECTION 90.** G.S. 131E-177 reads as rewritten:

6 "**§ 131E-177. Department of Health and Human Services is designated State Health  
7 Planning and Development Agency; powers and duties.**

8 The Department of Health and Human Services is designated as the State Health Planning  
9 and Development Agency for the State of North Carolina, and is empowered to exercise the  
10 following powers and duties:

11 ...

12 (7) Solicit, accept, hold and administer on behalf of the State any grants or  
13 ~~bequests~~ devises of money, securities or property to the Department for use  
14 by the Department in the administration of this Article; and

15 ...."

16 **SECTION 91.** G.S. 139-8(a) reads as rewritten:

17 "(a) A soil and water conservation district organized under the provisions of this Article  
18 shall constitute a governmental subdivision of this State, and a public body corporate and  
19 politic, exercising public powers, and such district, and the supervisors thereof, shall have the  
20 following powers in addition to others granted in other sections of this Chapter:

21 ...

22 (4) To obtain options upon and to acquire by purchase, exchange, lease, gift,  
23 grant, ~~bequest~~, devise, or otherwise, any property, real or personal, or rights  
24 or interests therein; to maintain, administer, and improve any properties  
25 acquired, to receive income from such properties and to expend such income  
26 in carrying out the purposes and provisions of this Chapter; and to sell, lease,  
27 or otherwise dispose of its property or interests therein in furtherance of the  
28 purposes and the provisions of this Chapter.

29 ...."

30 **SECTION 92.** G.S. 143-323(a) reads as rewritten:

31 "(a) Recreation. – The Department of Environment and Natural Resources shall have the  
32 following powers and duties with respect to recreation:

33 ...

34 (6) To accept gifts, ~~bequests~~, devises, and endowments. The funds, if given as  
35 an endowment, shall be invested in securities designated by the donor, or if  
36 there is no such designation, in securities in which the State sinking fund  
37 may be invested. All such ~~gifts, bequests,~~ gifts and devises and all proceeds  
38 from such invested endowments shall be used for carrying out the purposes  
39 for which they were made.

40 ...."

41 **SECTION 93.** G.S. 143-407 reads as rewritten:

42 "**§ 143-407. Appropriations; funds.**

43 In addition to the appropriations out of the general fund of the State, the Department may  
44 accept gifts, ~~bequests~~, devises, matching funds, or other considerations for use in promoting the  
45 arts."

46 **SECTION 94.** G.S. 143-437 reads as rewritten:

47 "**§ 143-437. Pesticide Board; functions.**

48 The Pesticide Board shall be the governing board for the programs of pesticide  
49 management and control set forth in this Article. The Pesticide Board shall have the following  
50 powers and duties under this Article:

51 ...

(5) To accept ~~gifts, devises and bequests,~~ gifts and devises, and with the approval of the Governor to apply for and accept grants from the federal government and its agencies and from any foundation, corporation, association or individual, and may comply with the terms, conditions and limitations of the grant, in order to accomplish any of the purposes of the Board, such grant funds to be expended pursuant to the Executive Budget Act.

...."

**SECTION 95.** G.S. 143-641(a) reads as rewritten:

"(a) Powers and Duties. – The Commission shall have the following powers and duties:

...

(5) To accept grants, contributions, ~~devises, bequests,~~ devises, gifts, and services for the purpose of providing support to the Commission. The funds and property shall be retained by the Commission, and the Commission shall prescribe rules under which the Commission may accept donations of money, property, or personal services, and determine the value of donations of property or personal services.

...."

**SECTION 96.** G.S. 143-676(a) reads as rewritten:

"(a) Powers and Duties. – The Commission shall have the following powers and duties:

...

(3) To accept grants, contributions, ~~devises, bequests,~~ devises, gifts, and services for the purpose of providing support to the Commission. The funds and property shall be retained by the Commission, and the Commission shall prescribe rules under which the Commission may accept donations of money, property, or personal services, and determine the value of donations of property or personal services."

**SECTION 97.** G.S. 143B-74.1 reads as rewritten:

**§ 143B-74.1. U.S.S. North Carolina Battleship Commission – funds.**

The Commission shall establish and maintain a "Battleship Fund" composed of the ~~moneys~~ monies which may come into its hands from admission or inspection fees, gifts, donations, grants, or ~~bequests,~~ devises, which funds will be used by the Commission to pay all costs of maintaining and operating the ship for the purposes herein set forth. The Commission shall maintain books of accounting records concerning revenue derived and all expenses incurred in maintaining and operating the ship as a public memorial. The operations of the Commission shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes. The Commission shall reimburse the State Auditor the cost of any audit. The Commission shall establish a reserve fund in an amount to be determined by the Secretary of Cultural Resources to be maintained and used for contingencies and emergencies beyond those occurring in the course of routine maintenance and operation, and may authorize the deposit of this reserve fund in a depository to be selected by the Treasurer of North Carolina."

**SECTION 98.** G.S. 143B-131.2(b) reads as rewritten:

"(b) The Commission shall have the following powers and duties:

...

(10) To establish and maintain a separate fund composed of ~~moneys~~ monies which may come into its hands from gifts, donations, grants, or ~~bequests,~~ devises, which funds will be used by the Commission for purposes of carrying out its duties and purposes herein set forth. The Commission may also establish a reserve fund to be maintained and used for contingencies and emergencies. Funds appropriated to the Commission may be transferred to the Friends of Elizabeth II, Inc., a private, nonprofit corporation. The Friends

1 of Elizabeth II, Inc., shall use the funds transferred to it to carry out the  
2 purposes of this Part.

3 ...

4 (13) To acquire real and personal property by purchase, gift, ~~bequest~~, devise, and  
5 exchange.

6 ...."

7 **SECTION 99.** G.S. 143B-131.8(a) reads as rewritten:

8 "(a) The Roanoke Island Commission Fund is established as a nonreverting Fund and  
9 shall be administered by the Roanoke Island Commission. Seventy-five percent (75%) of the  
10 revenues collected from any property operated by the Roanoke Island Commission shall be  
11 credited to the Fund. In addition, gifts, donations, grants, or ~~bequests~~ devises received by the  
12 Commission for the purpose of carrying out its duties and purposes may also be deposited in  
13 the Fund.

14 The funds in the Roanoke Island Commission Fund shall be used for the expenses of the  
15 Roanoke Island Commission and the operation and maintenance of properties operated by the  
16 Commission."

17 **SECTION 100.** G.S. 143B-216.33(c) reads as rewritten:

18 "(c) The Department of Health and Human Services may receive ~~moneys~~ monies from  
19 any source, including federal funds, gifts, grants and ~~bequests~~ devises which shall be expended  
20 for the purposes designated in this Part. Gifts and ~~bequests~~ devises received shall be deposited  
21 in a trust fund with the State Treasurer who shall hold them in trust in a separate account in the  
22 name of the Division. The cash balance of this account may be pooled for investment purposes,  
23 but investment earnings shall be credited pro rata to this participating account. ~~Moneys~~ Monies  
24 deposited with the State Treasurer in the trust fund account pursuant to this subsection, and  
25 investment earnings thereon, are available for expenditure without further authorization from  
26 the General Assembly. Such funds shall be administered by the Division under the direction of  
27 the director and fiscal officer of the Division and will be subject to audits normally conducted  
28 with the agency."

29 **SECTION 101.** G.S. 143B-472.123(a) reads as rewritten:

30 "(a) The Office of Economic Opportunity of the Department shall administer the  
31 Weatherization Assistance Program for Low-Income Families established by 42 U.S.C. § 6861,  
32 et seq., and 42 U.S.C. § 7101, et seq.; the Heating/Air Repair and Replacement Program  
33 established by the Secretary under G.S. 108A-70.30; and any other energy-related assistance  
34 program for the benefit of low-income persons in existing housing. The Office of Economic  
35 Opportunity shall exercise the following powers and duties:

36 ...

37 (7) Solicit, accept, hold, and administer on behalf of this State any grants or  
38 ~~bequests~~ devises of money, securities, or property for the benefit of  
39 low-income residents in existing housing for use by the Department or other  
40 agencies in the administration of this Part.

41 ...."

42 **SECTION 102.** G.S. 143B-476(a) reads as rewritten:

43 "(a) The head of the Department of Crime Control and Public Safety is the Secretary of  
44 Crime Control and Public Safety, who shall be known as the Secretary. The Secretary shall  
45 have such powers and duties as are conferred ~~on him~~ by this Chapter, delegated ~~to him~~ by the  
46 Governor, and conferred ~~on him~~ by the Constitution and laws of this State. These powers and  
47 duties include:

48 (1) Accepting gifts, ~~bequests~~, devises, grants, matching funds and other  
49 considerations from private or governmental sources for use in promoting  
50 the work of the Governor's Crime Commission.

51 ...."

1           **SECTION 103.** G.S. 143B-499.7(f) reads as rewritten:

2           "(f) The Department of Crime Control and Public Safety, on behalf of the Center, may  
3 accept grants, contributions, devises, ~~bequests~~, and gifts, which shall be kept in a separate fund,  
4 which shall be nonreverting, and shall be used to fund the operations of the Center and the  
5 AMBER Alert System."

6           **SECTION 104.** G.S. 147-54.6(b) reads as rewritten:

7           "(b) The Secretary of State, on behalf of the State, may accept gifts, donations, ~~bequests~~,  
8 devises, or other forms of voluntary contributions, apply for grants from public and private  
9 sources, and may expend funds received under this subsection for the purpose of promoting  
10 international relations and hosting foreign dignitaries and leaders in North Carolina. All funds  
11 and gifts received pursuant to this subsection shall be subject to audit by the Office of the State  
12 Auditor and all funds shall be expended in conformity with the Executive Budget Act and shall  
13 become the property of the State."

14           **SECTION 105.** G.S. 153A-11 reads as rewritten:

15       "**§ 153A-11. Corporate powers.**

16       The inhabitants of each county are a body politic and corporate under the name specified in  
17 the act creating the county. Under that name they are vested with all the property and rights of  
18 property belonging to the corporation; have perpetual succession; may sue and be sued; may  
19 contract and be contracted with; may acquire and hold any property and rights of property, real  
20 and personal, that may be devised, ~~bequeathed~~, sold, or in any manner conveyed, dedicated to,  
21 or otherwise acquired by the corporation, and from time to time may hold, invest, sell, or  
22 dispose of the property and rights of property; may have a common seal and alter and renew it  
23 at will; and have and may exercise in conformity with the laws of this State county powers,  
24 rights, duties, functions, privileges, and immunities of every name and nature."

25           **SECTION 106.** G.S. 153A-158 reads as rewritten:

26       "**§ 153A-158. Power to acquire property.**

27       A county may acquire, by gift, grant, devise, ~~bequest~~, exchange, purchase, lease, or any  
28 other lawful method, the fee or any lesser interest in real or personal property for use by the  
29 county or any department, board, commission, or agency of the county. In exercising the power  
30 of eminent domain a county shall use the procedures of Chapter 40A."

31           **SECTION 107.** G.S. 153A-263 reads as rewritten:

32       "**§ 153A-263. Public library systems authorized.**

33       A county or city may:

34       ...

35       (5) Acquire library materials by purchase, exchange, ~~bequest~~, devise, gift, or  
36 any other lawful method;

37       ...

38       (7) Accept any gift, grant, lease, loan, exchange, ~~bequest~~, or devise of real or  
39 personal property for a public library system. Devises, ~~bequests~~, grants, and  
40 gifts may be accepted and held subject to any term or condition that may be  
41 imposed by the grantor or trustor, except that no county or city may accept  
42 or administer any term or condition that requires it to discriminate among its  
43 citizens on the basis of race, sex, or religion."

44           **SECTION 108.** G.S. 153A-269 reads as rewritten:

45       "**§ 153A-269. Title to library property.**

46       The title to all property acquired by a county or city for library purposes shall be in the  
47 name of the county or city. If property is given, granted, devised, ~~bequeathed~~, or otherwise  
48 conveyed to the board of trustees of a county or city library system, it shall be deemed to have  
49 been conveyed to the county or city and shall be held in the name of the county or city."

50           **SECTION 109.** G.S. 157-9(a) reads as rewritten:

51       "**§ 157-9. Powers of authority.**

1 (a) An authority shall constitute a public body and a body corporate and politic,  
2 exercising public powers, and having all the powers necessary or convenient to carry out and  
3 effectuate the purposes and provisions of this Article, including the following powers in  
4 addition to others herein granted:

5 To investigate into living, dwelling and housing conditions and into the means and methods  
6 of improving such conditions; to determine where unsafe, or insanitary dwelling or housing  
7 conditions exist; to study and make recommendations concerning the plan of any city or  
8 municipality located within its boundaries in relation to the problem of clearing, replanning and  
9 reconstruction of areas in which unsafe or insanitary dwelling or housing conditions exist, and  
10 the providing of dwelling accommodations for persons of low income, and to cooperate with  
11 any city municipal or regional planning agency; to prepare, carry out and operate housing  
12 projects; to approve, assist, and cooperate with, as its instrumentality, a nonprofit corporation in  
13 providing financing by the issuance by such nonprofit corporation's obligations (which  
14 obligations shall not be or be deemed to be indebtedness of a housing authority) for one or  
15 more housing projects, pursuant to the United States Housing Act of 1937, as amended, and  
16 applicable regulations thereunder, specifically including, but not limited to, programs to make  
17 construction and other loans to developers or owners of residential housing, and to acquire,  
18 operate or manage such a housing project, and to administer federal housing assistance subsidy  
19 payments for such projects; to provide for the construction, reconstruction, improvement,  
20 alteration or repair of any housing project or any part thereof; to take over by purchase, lease or  
21 otherwise any housing project located within its boundaries undertaken by any government, or  
22 by any city or municipality located in whole or in part within its boundaries; to manage as  
23 agent of any city or municipality located in whole or in part within its boundaries any housing  
24 project constructed or owned by such city; to act as agent for the federal government in  
25 connection with the acquisition, construction, operation and/or management of a housing  
26 project or any part thereof; to arrange with any city or municipality located in whole or in part  
27 within its boundaries or with a government for the furnishing, planning, replanning, installing,  
28 opening or closing of streets, roads, roadways, alleys, sidewalks or other places or facilities or  
29 for the acquisition by such city, municipality, or government of property, options or property  
30 rights or for the furnishing of property or services in connection with a project; to arrange with  
31 the State, its subdivisions and agencies, and any county, city or municipality of the State, to the  
32 extent that it is within the scope of each of their respective functions, (i) to cause the services  
33 customarily provided by each of them to be rendered for the benefit of such housing authority  
34 and/or the occupants of any housing projects and (ii) to provide and maintain parks and sewage,  
35 water and other facilities adjacent to or in connection with housing projects and (iii) to change  
36 the city or municipality map, to plan, replan, zone or rezone any part of the city or  
37 municipality; to lease or rent any of the dwelling or other accommodations or any of the lands,  
38 buildings, structures or facilities embraced in any housing project and to establish and revise  
39 the rents or charges therefor; to enter upon any building or property in order to conduct  
40 investigations or to make surveys or soundings; to purchase, lease, obtain options upon, acquire  
41 by gift, grant, ~~bequest~~, devise, or otherwise any property real or personal or any interest therein  
42 from any person, firm, corporation, city, municipality, or government; to acquire by eminent  
43 domain any real property, including improvements and fixtures thereon; to sell, exchange,  
44 transfer, assign, or pledge any property real or personal or any interest therein to any person,  
45 firm, corporation, municipality, city, or government; to own, hold, clear and improve property;  
46 to insure or provide for the insurance of the property or operations of the authority against such  
47 risks as the authority may deem advisable; to procure insurance or guarantees from a federal  
48 government of the payment of any debts or parts thereof secured by mortgages made or held by  
49 the authority on any property included in any housing project; to borrow money upon its bonds,  
50 notes, debentures or other evidences of indebtedness and to secure the same by pledges of its  
51 revenues, and by mortgages upon property held or to be held by it, or in any other manner; in

1 connection with any loan, to agree to limitations upon its right to dispose of any housing  
2 project or part thereof or to undertake additional housing projects; in connection with any loan  
3 by a government, to agree to limitations upon the exercise of any powers conferred upon the  
4 authority by this Article; to invest any funds held in reserves or sinking funds, or any funds not  
5 required for immediate disbursement, in property or securities in which savings banks may  
6 legally invest funds subject to their control; to sue and be sued; to have a seal and to alter the  
7 same at pleasure; to have perpetual succession; to make and execute contracts and other  
8 instruments necessary or convenient to the exercise of the powers of the authority; to make and  
9 from time to time amend and repeal bylaws, rules and regulations not inconsistent with this  
10 Article, to carry into effect the powers and purposes of the authority; to conduct examinations  
11 and investigations and to hear testimony and take proof under oath at public or private hearings  
12 on any matter material for its information; to issue subpoenas requiring the attendance of  
13 witnesses or the production of books and papers and to issue commissions for the examination  
14 of witnesses who are out of the State or unable to attend before the authority, or excused from  
15 attendance; and to make available to such agencies, boards or commissions as are charged with  
16 the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing  
17 unsafe or insanitary structures within its territorial limits, its findings and recommendations  
18 with regard to any building or property where conditions exist which are dangerous to the  
19 public health, morals, safety or welfare. Any of the investigations or examinations provided for  
20 in this Article may be conducted by the authority or by a committee appointed by it, consisting  
21 of one or more commissioners, or by counsel, or by an officer or employee specially authorized  
22 by the authority to conduct it. Any commissioner, counsel for the authority, or any person  
23 designated by it to conduct an investigation or examination shall have power to administer  
24 oaths, take affidavits and issue subpoenas or commissions. An authority may exercise any or all  
25 of the powers herein conferred upon it, either generally or with respect to any specific housing  
26 project or projects, through or by an agent or agents which it may designate, including any  
27 corporation or corporations which are or shall be formed under the laws of this State, and for  
28 such purposes an authority may cause one or more corporations to be formed under the laws of  
29 this State or may acquire the capital stock of any corporation or corporations. Any corporate  
30 agent, (i) all of the stock of which shall be owned by the authority or its nominee or nominees  
31 or (ii) the board of directors of which shall be elected or appointed by the authority or is  
32 composed of the commissioners of the authority or (iii) which is otherwise subject to the  
33 control of the authority or the governmental entity which created the authority, may to the  
34 extent permitted by law exercise any of the powers conferred upon the authority herein. In  
35 addition to all of the other powers herein conferred upon it, an authority may do all things  
36 necessary and convenient to carry out the powers expressly given in this Article. No provisions  
37 with respect to the acquisition, operation or disposition of property by other public bodies shall  
38 be applicable to an authority unless the legislature shall specifically so state."

39 **SECTION 110.** G.S. 160A-11 reads as rewritten:

40 **"§ 160A-11. Corporate powers.**

41 The inhabitants of each city heretofore or hereafter incorporated by act of the General  
42 Assembly or by the Municipal Board of Control shall be and remain a municipal corporation by  
43 the name specified in the city charter. Under that name they shall be vested with all of the  
44 property and rights in property belonging to the corporation; shall have perpetual succession;  
45 may sue and be sued; may contract and be contracted with; may acquire and hold any property,  
46 real and personal, devised, ~~bequeathed,~~ sold, or in any manner conveyed, dedicated to, or  
47 otherwise acquired by them, and from time to time may hold, invest, sell, or dispose of the  
48 same; may have a common seal and alter and renew the same at will; and shall have and may  
49 exercise in conformity with the city charter and the general laws of this State all municipal  
50 powers, functions, rights, privileges, and immunities of every name and nature whatsoever.

1 All documents required or permitted by law to be executed by municipal corporations will  
2 be legally valid and binding in this respect when a legible corporate stamp, which is a facsimile  
3 of its seal, is used in lieu of an imprinted or embossed corporate or common seal."

4 **SECTION 111.** G.S. 160A-163(b) reads as rewritten:

5 "(b) The council may create and administer a special fund for the relief of members of  
6 the police and fire departments who have been retired for age, or for disability or injury  
7 incurred in the line of duty, but any such funds established on or after January 1, 1972, shall be  
8 subject to the provisions of subsection (c) of this section. The council may receive donations  
9 and ~~bequests~~ devises in aid of any such fund, shall provide for its permanence and increase, and  
10 shall prescribe and regulate the conditions under which benefits may be paid."

11 **SECTION 112.** G.S. 160A-240.1 reads as rewritten:

12 **"§ 160A-240.1. Power to acquire property.**

13 A city may acquire, by gift, grant, ~~devise, bequest,~~ exchange, purchase, lease, or any other  
14 lawful method, the fee or any lesser interest in real or personal property for use by the city or  
15 any department, board, commission or agency of the city. In exercising the power of eminent  
16 domain a city shall use the procedures of Chapter 40A."

17 **SECTION 113.** G.S. 160A-347(a) reads as rewritten:

18 "(a) A city is authorized to create a perpetual care trust fund for any cemeteries under its  
19 ownership or control, to accept gifts, grants, ~~bequests,~~ and devises on behalf of the perpetual  
20 care trust fund, to deposit any revenues realized from the sale of lots in or the operation of city  
21 cemeteries in the perpetual care trust fund, and to hold and administer the trust fund for the  
22 purpose of perpetually caring for and beautifying the city's cemeteries. The city may make  
23 contracts with the owners of plots in city cemeteries obligating the city to maintain the plots in  
24 perpetuity upon payment of such sums as the council may fix."

25 **SECTION 114.** G.S. 160A-349.12 reads as rewritten:

26 **"§ 160A-349.12. Power to accept gifts; exclusive use of gifts.**

27 The board of trustees of any cemetery shall have the power to accept gifts, either by ~~devise,~~  
28 ~~bequeath~~ devise or otherwise, and hold the same for the purposes expressed in the gift, and any  
29 ~~moneys~~ monies coming into the hands of such board by ~~devise~~ or otherwise shall be by the  
30 board used exclusively for the purposes for which it is given."

31 **SECTION 115.** G.S. 160A-353 reads as rewritten:

32 **"§ 160A-353. Powers.**

33 In addition to any other powers it may possess to provide for the general welfare of its  
34 citizens, each county and city in this State shall have authority to:

35 ...

36 (6) Accept any gift, grant, lease, loan, ~~bequest,~~ or devise of real or personal  
37 property for parks and recreation programs. ~~Devises, bequests,~~ Devises and  
38 gifts may be accepted and held subject to such terms and conditions as may  
39 be imposed by the grantor or trustor, except that no county or city may  
40 accept or administer any terms that require it to discriminate among its  
41 citizens on the basis of race, sex, or religion."

42 **SECTION 116.** G.S. 160A-401 reads as rewritten:

43 **"§ 160A-401. Legislative intent.**

44 It is the intent of the General Assembly in enacting this Part to provide a means whereby  
45 any county or city may acquire, by purchase, gift, grant, ~~bequest,~~ devise, lease, or otherwise,  
46 and through the expenditure of public funds, the fee or any lesser interest or right in real  
47 property in order to preserve, through limitation of their future use, open spaces and areas for  
48 public use and enjoyment."

49 **SECTION 117.** G.S. 160A-402 reads as rewritten:

50 **"§ 160A-402. Finding of necessity.**



1 The General Assembly finds that the rapid growth and spread of urban development in the  
2 State is encroaching upon, or eliminating, many open areas and spaces of varied size and  
3 character, including many having significant scenic or esthetic values, which areas and spaces  
4 if preserved and maintained in their present open state would constitute important physical,  
5 social, esthetic, or economic assets to existing and impending urban development. The General  
6 Assembly declares that it is necessary for sound and proper urban development and in the  
7 public interest of the people of this State for any county or city to expend or advance public  
8 funds for, or to accept by purchase, gift, grant, ~~bequest~~, devise, lease, or otherwise, the fee or  
9 any lesser interest or right in real property so as to acquire, maintain, improve, protect, limit the  
10 future use of, or otherwise conserve open spaces and areas within their respective jurisdictions  
11 as defined by this Article.

12 The General Assembly declares that the acquisition of interests or rights in real property for  
13 the preservation of open spaces and areas constitutes a public purpose for which public funds  
14 may be expended or advanced."

15 **SECTION 118.** G.S. 160A-403 reads as rewritten:

16 **"§ 160A-403. Counties or cities authorized to acquire and reconvey real property.**

17 Any county or city in the State may acquire by purchase, gift, grant, ~~bequest~~, devise, lease,  
18 or otherwise, the fee or any lesser interest, development right, easement, covenant, or other  
19 contractual right of or to real property within its respective jurisdiction, when it finds that the  
20 acquisition is necessary to achieve the purposes of this Part. Any county or city may also  
21 acquire the fee to any property for the purpose of conveying or leasing the property back to its  
22 original owner or other person under covenants or other contractual arrangements that will limit  
23 the future use of the property in accordance with the purposes of this Part, but when this is  
24 done, the property may be conveyed back to its original owner but to no other person by private  
25 sale."

26 **SECTION 119.** G.S. 160A-479.13 reads as rewritten:

27 **"§ 160A-479.13. Acquisition of property.**

28 In addition to the powers hereinbefore granted, an authority may, in its charter, be granted  
29 continuing power to acquire, by gift, grant, devise, ~~bequest~~, exchange, purchase, lease with or  
30 without option to purchase, or any other lawful method, the fee or any lesser interest in real or  
31 personal property for use by an authority."

32 **SECTION 120.** G.S. 160A-512 reads as rewritten:

33 **"§ 160A-512. Powers of commission.**

34 A commission shall constitute a public body, corporate and politic, exercising public and  
35 essential governmental powers, which powers shall include all powers necessary or appropriate  
36 to carry out and effectuate the purposes and provisions of this Article, including the following  
37 powers in addition to those herein otherwise granted:

38 ...

- 39 (6) Within its area of operation, to purchase, obtain options upon, acquire by  
40 gift, grant, ~~bequest~~, devise, eminent domain or otherwise, any real or  
41 personal property or any interest therein, together with any improvements  
42 thereon, necessary or incidental to a redevelopment project, except that  
43 eminent domain may only be used to take a blighted parcel; to hold,  
44 improve, clear or prepare for redevelopment any such property, and subject  
45 to the provisions of G.S. 160A-514, and with the approval of the local  
46 governing body sell, exchange, transfer, assign, subdivide, retain for its own  
47 use, mortgage, pledge, hypothecate or otherwise encumber or dispose of any  
48 real or personal property or any interest therein, either as an entirety to a  
49 single "redeveloper" or in parts to several redevelopers; provided that the  
50 commission finds that the sale or other transfer of any such part will not be  
51 prejudicial to the sale of other parts of the redevelopment area, nor in any

1 other way prejudicial to the realization of the redevelopment plan approved  
2 by the governing body; to enter into contracts, either before or after the real  
3 property that is the subject of the contract is acquired by the Commission  
4 (although disposition of the property is still subject to G.S. 160A-514), with  
5 "redevelopers" of property containing covenants, restrictions, and conditions  
6 regarding the use of such property for residential, commercial, industrial,  
7 recreational purposes or for public purposes in accordance with the  
8 redevelopment plan and such other covenants, restrictions and conditions as  
9 the commission may deem necessary to prevent a recurrence of blighted  
10 areas or to effectuate the purposes of this Article; to make any of the  
11 covenants, restrictions or conditions of the foregoing contracts covenants  
12 running with the land, and to provide appropriate remedies for any breach of  
13 any such covenants or conditions, including the right to terminate such  
14 contracts and any interest in the property created pursuant thereto; to borrow  
15 money and issue bonds therefor and provide security for bonds; to insure or  
16 provide for the insurance of any real or personal property or operations of  
17 the commission against any risks or hazards, including the power to pay  
18 premiums on any such insurance; and to enter into any contracts necessary to  
19 effectuate the purposes of this Article;

20 ...."

21 **SECTION 121.** G.S. 160A-619(a) reads as rewritten:

22 "(a) The Authority shall have continuing power to acquire, by gift, grant, devise,  
23 ~~bequest~~, exchange, purchase, lease with or without option to purchase, or any other lawful  
24 method, including but not limited to the power of eminent domain, the fee or any lesser interest  
25 in real or personal property for use by the Authority."

26 **SECTION 122.** G.S. 160A-649(a) reads as rewritten:

27 "(a) The Authority shall have continuing power to acquire, by gift, grant, devise,  
28 ~~bequest~~, exchange, purchase, lease with or without option to purchase, or any other lawful  
29 method, including, but not limited to, the power of eminent domain, the fee or any lesser  
30 interest in real or personal property for use by the Authority."

31 **SECTION 123.** G.S. 160A-674(a) reads as rewritten:

32 "(a) The district shall have continuing power to acquire, by gift, grant, devise, ~~bequest~~,  
33 exchange, purchase, lease with or without option to purchase, or any other lawful method  
34 including, but not limited to, the power of eminent domain, the fee or any lesser interest in real  
35 or personal property for use by the district."

36 **SECTION 124.** G.S. 162A-88 reads as rewritten:

37 **"§ 162A-88. District is a municipal corporation.**

38 The inhabitants of a county water and sewer district created pursuant to this Article are a  
39 body corporate and politic by the name specified by the board of commissioners. Under that  
40 name they are vested with all the property and rights of property belonging to the corporation;  
41 have perpetual succession; may sue and be sued; may contract and be contracted with; may  
42 acquire and hold any property, real and personal, devised, ~~bequeathed~~, sold, or in any manner  
43 conveyed, dedicated to, or otherwise acquired by them, and from time to time may hold, invest,  
44 sell, or dispose of the same; may have a common seal and alter and renew it at will; may  
45 establish, revise and collect rates, fees or other charges and penalties for the use of or the  
46 services furnished or to be furnished by any sanitary sewer system, water system or sanitary  
47 sewer and water system of the district; and may exercise those powers conferred on them by  
48 this Article."

49 **SECTION 125.** G.S. 165-31 reads as rewritten:

50 **"§ 165-31. Powers of authority.**

1 An authority shall constitute a public body and a body corporate and politic, exercising  
2 public powers, and having all the powers necessary or convenient to carry out and effectuate  
3 the purposes and provisions of this Article, including the following powers in addition to others  
4 herein granted:

5 To sue and be sued in any court; to make, use and alter a common seal; to purchase, acquire  
6 by ~~devise or bequest~~, devise, hold and convey real and personal property; to elect and appoint,  
7 in such manner as it determines to be proper, all necessary officers and agents, fix their  
8 compensation and define their duties and obligations; to make bylaws and regulations  
9 consistent with the laws of the State, for its own government and for the due and orderly  
10 conduct of its affairs and management of its property; without limiting the generality of the  
11 foregoing, to do any and everything that may be useful and necessary in order to provide  
12 recreation for veterans."

13 **SECTION 126.** G.S. 165-39 reads as rewritten:

14 "**§ 165-39. Validity of acts of agent performed after death of principal.**

15 No agency created by a power of attorney in writing given by a principal who is at the time  
16 of execution, or who, after executing such power of attorney, becomes, either (i) a member of  
17 the armed forces of the United States, or (ii) a person serving as a merchant seaman outside the  
18 limits of the United States, included within the several states and the District of Columbia; or  
19 (iii) a person outside said limits by permission, assignment or direction of any department or  
20 official of the United States government, in connection with any activity pertaining to or  
21 connected with the prosecution of any war in which the United States is then engaged, shall be  
22 revoked or terminated by the death of the principal, as to the agent or other person who,  
23 without actual knowledge or actual notice of the death of the principal, shall have acted or shall  
24 act, in good faith, under or in reliance upon such power of attorney or agency, and any action  
25 so taken, unless otherwise invalid or unenforceable, shall be binding on the heirs, devisees,  
26 ~~legatees~~, or personal representatives of the principal."

27 **SECTION 127.** G.S. 165-48(b) reads as rewritten:

28 "(b) Composition. – The trust fund shall consist of all funds and monies received by the  
29 Veterans Affairs Commission or the Division of Veterans Affairs from the United States, any  
30 federal agency or institution, and any other source, whether as a grant, appropriation, gift,  
31 contribution, ~~bequest~~ devise, or individual reimbursement, for the care and support of veterans  
32 who have been admitted to a State veterans home."

33 **SECTION 128.** G.S. 165-49(b) reads as rewritten:

34 "(b) The Division of Veterans Affairs may receive from any source any gift,  
35 contribution, ~~bequest~~, devise, or individual reimbursement, the receipt of which does not  
36 exclude any other source of revenue."

37 **SECTION 129.** The Revisor of Statutes is authorized to substitute, consistent with  
38 this act, the term "devisee" for the term "legatee" wherever this term appears in the General  
39 Statutes, except that where the term "legatee" appears in a list that already includes the term  
40 "devisee," the Revisor is authorized to delete the term "legatee" and make grammatically  
41 necessary adjustments in conjunctions and punctuation.

42 **SECTION 130.** The Revisor of Statutes is authorized to substitute, consistent with  
43 this act, the term "devise" for the term "legacy" wherever this term appears in the General  
44 Statutes, except that where the term "legacy" appears in a list that already includes the term  
45 "devise," the Revisor is authorized to delete the term "legacy" and make grammatically  
46 necessary adjustments in conjunctions and punctuation.

47 **SECTION 131.** The Revisor of Statutes is authorized to substitute, consistent with  
48 this act, the term "devise" for the terms "bequest" and "bequeath" wherever these terms appear  
49 in the General Statutes, except that where the term "bequest" or the term "bequeath" appears in  
50 a list that already includes the term "devise," the Revisor is authorized to delete "bequest" or  
51 "bequeath" and make grammatically necessary adjustments in conjunctions and punctuation.

1 **PART III. EFFECTIVE DATE**

2 **SECTION 132.** This act is effective when it becomes law.