

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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SENATE BILL 252*

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

Sponsors: Senator Hartsell.

Referred to: Judiciary I.

March 9, 2011

A BILL TO BE ENTITLED

AN ACT TO APPLY THROUGHOUT THE GENERAL STATUTES THE DEFINITION OF "DEVISEE" FOUND IN CHAPTER 28A OF THE GENERAL STATUTES RELATING TO THE ADMINISTRATION OF DECEDENTS' ESTATES AND TO DEFINE "DEVISE" CONSISTENTLY WITH THAT DEFINITION, TO MAKE THE USAGE OF THESE TERMS MORE UNIFORM THROUGHOUT THE GENERAL STATUTES, AND TO MAKE TECHNICAL CHANGES TO SECTIONS OF THE GENERAL STATUTES OTHERWISE AMENDED BY THIS ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

PART I. DEFINE "DEVISE" AND "DEVISEE" IN CHAPTER 12.

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

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

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

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

PART II. UNIFORM USAGE; CLARIFYING AND TECHNICAL AMENDMENTS.

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

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

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

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

...."

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

"§ 1-313. Form of execution.

The execution must be directed to the sheriff, or to the coroner when the sheriff is a party to or interested in the action. In those counties where the office of coroner is abolished, or is vacant, and in which process is required to be executed on the sheriff, the authority to execute

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

- 8 ...
 9 (2) Against Property in Hands of Personal Representative. – If it is against real
 10 or personal property in the hands of personal representatives, heirs, devisees,
 11 ~~legatees~~, tenants of real property or trustees it shall require the officer to
 12 satisfy the judgment out of such property.

13"

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

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

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

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

28 (a) Before action. –

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

- 47 (2) Notice and Service. – The petitioner shall thereafter serve a notice upon
 48 each person named in the petition as an expected adverse party, together
 49 with a copy of the petition, stating that the petitioner will apply to the court,
 50 at a time and place named therein, for the order described in the petition. At
 51 least 20 days before the date of hearing (or within such time as the court may

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

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

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

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

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

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

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

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

48 "(b) The Director shall:

49 ...

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

4"

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

6 **"§ 11-11. Oaths of sundry persons; forms.**

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

10 ...

11 **EXECUTOR**

12
 13 You swear (or affirm) that you believe this writing to be and contain the last will and
 14 testament of A. B., deceased; and that you will well and truly execute the same by first paying
 15 ~~his debts~~ and then ~~his legacies,~~ devises, as far as the ~~said~~ decedent's estate shall extend or the
 16 law shall charge you; and that you will well and faithfully execute the office of an executor,
 17 agreeably to the trust and confidence reposed in you, and according to law; so help you, God.

18"

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

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

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

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

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

42 ...

- 43 (2) "Contribution" shall mean any promise, gift, ~~bequest,~~ devise or other grant
 44 for consideration or otherwise, of any money or property of any kind or
 45 value, including the promise to pay, which contribution is wholly or partly
 46 induced by a solicitation. The term "contribution" shall not include payments
 47 by members of an organization for membership fees, dues, fines or
 48 assessments, or for services rendered to individual members, if membership
 49 in such organization confers a bona fide right, privilege, professional
 50 standing, honor or other direct benefit, other than the right to vote, elect
 51 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 ~~devisees, legatees,~~
 6 devisees 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 ~~devisees, legatees,~~ devisees 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 ~~devisees, legatees~~ devisees 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:

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

43 "

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

45 **"§ 35A-1342. Who deemed specific and residuary ~~legatees and devisees~~ of incompetent**

46 **under § 35A-1341.**

47 For purposes of G.S. 35A-1341(6)a and G.S. 35A-1341.1(4) and (5), if the paper-writing

48 provides for the residuary estate to be placed in trust for a term of years, or if the paper-writing

49 names as beneficiary a revocable trust created by the incompetent, and the trust or trusts

50 include dispositive provisions which provide that assets continue in trust for a term of years

51 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~~ devisees 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,~~ 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.