

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 31
HOUSE BILL 27

AN ACT TO PROVIDE PENALTIES FOR REMOVAL OF "SEPARATE"
PROPERTY DURING SEPARATION WHEN AN EQUITABLE DISTRIBUTION
WILL BE OR IS REQUESTED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-20(i) is amended in the first sentence by inserting after the words "marital property" the following: "or separate property of the party seeking relief".

Sec. 2. The last sentence of G.S. 50-20(i) is rewritten to read: "The court, in lieu of granting an injunction, may require a bond or other assurance of sufficient amount to protect the interest of the other spouse in the marital or separate property.".

Sec. 3. G.S. 50-20(i) is amended by adding a new sentence at the end to read as follows: "Upon application by the owner of separate property which was removed from the marital home or possession of its owner by the other spouse, the court may enter an order for reasonable counsel fees and costs of court incurred to regain its possession, but such fees shall not exceed the fair market value of the separate property at the time it was removed.".

Sec. 4. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 27th day of March, 1985.