

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 67
HOUSE BILL 151

AN ACT TO TREAT ADOPTED AND NATURAL PERSONS ALIKE FOR
PURPOSES OF GRANTS AND DEVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 48-23(3) is amended by adding the following two sentences at the end to read:

"The use of the phrase 'hereafter born' or similar language in any deed, grant, will, or other written instrument to establish a class of persons shall not by itself be sufficient to exclude adopted persons from inclusion within the class. This subdivision applies to instruments executed before October 1, 1985."

Sec. 2. G.S. 48-23(4) is rewritten to read:

"(4) Where an interlocutory decree has been entered in an adoption proceeding and one of the petitioners dies before the final order of adoption is entered, if the spouse of the deceased petitioner later obtains a final order of adoption, then:

- a. The child shall have the status defined in subdivisions (1) and (3) of this section with respect to the deceased petitioner;
- b. The child shall be entitled to inherit real and personal property by, through, and from the deceased petitioner in accordance with the statutes relating to intestate succession and shall be held to be the 'child,' 'grandchild,' 'heir,' 'issue,' 'descendant,' or an equivalent, of the deceased petitioner;
- c. The use of the word 'child,' 'grandchild,' 'heir,' 'issue,' or 'descendant,' or any word of like import in any deed, grant, will, or other written instrument executed by the deceased petitioner shall be held to include the child, whenever appropriate, unless the contrary plainly appears by its terms; and
- d. The use of the phrase 'hereafter born' or similar language in any deed, grant, will or other written instrument executed by the deceased petitioner to establish a class of persons shall not by itself be sufficient to exclude the child from the class. This subdivision applies to instruments executed before October 1, 1985."

Sec. 3. G.S. 48-23 is amended by adding a new subdivision (5) to read:

"(5) From and after the entry of the final order of adoption, any reference to a natural person in any deed, grant, will, or other written instrument executed on or after October 1, 1985, shall include any adopted person unless the instrument explicitly states

that adopted persons are excluded, whether the instrument was executed before or after the entry of the final order of adoption."

Sec. 4. G.S. 48-23 is amended by adding a new subdivision (6) to read:

"(6) Where an interlocutory decree has been entered in an adoption proceeding and one of the petitioners dies before the final order of adoption is entered, if the spouse of the deceased petitioner later obtains a final order of adoption, any reference to a natural person in any deed, grant, will, or other written instrument executed by the deceased petitioner on or after October 1, 1985, shall include the child unless the instrument explicitly states that adopted persons are excluded."

Sec. 5. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 10th day of April, 1985.