

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 797  
SENATE BILL 642

AN ACT TO AMEND THE PROVISIONS OF CHAPTER 64 OF THE GENERAL  
STATUTES CONCERNING THE RIGHT OF NONRESIDENT ALIENS TO  
INHERIT PROPERTY LOCATED IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 64-3 is rewritten to read as follows:

"§ **64-3. Nonresident aliens' rights of inheritance.**—No alien residing outside the United States or its territories shall be entitled to take personal property located in this State by succession or testamentary disposition if the laws of the nation of which such alien is a resident prohibit residents of the United States from inheriting personal property located within that nation. Except as hereinabove provided, no alien shall, by reason of his citizenship or place of residence, be disqualified from inheriting property in this State."

Sec. 2. G.S. 64-4 is rewritten to read as follows:

"§ **64-4. Escheats.**—If a decedent owning personal property located within North Carolina shall leave no heirs, heirs at law or legatees other than persons disqualified from inheritance under G.S. 64-3, then such personal property shall escheat."

Sec. 3. G.S. 64-5 is rewritten to read as follows:

"§ **64-5. Burden of proof.**—The burden of proof in any action or proceeding to disqualify a nonresident alien from taking personal property located within this State by succession or testamentary disposition by reason of the provisions of G.S. 64- 3, shall be upon the person asserting the disqualification."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1986.