

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 548
SENATE BILL 337

AN ACT TO PROVIDE A PROCEDURE FOR THE REGISTRATION OF
INHERITANCE AND ESTATE TAX WAIVERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-20 is amended by deleting the period at the end of the section and adding the following:

" : Provided further, that no taxes imposed by this Article shall be a lien upon real property that is released by an Inheritance or Estate Tax Waiver issued by the Secretary of Revenue. An Inheritance or Estate Tax Waiver issued by the Secretary of Revenue and bearing the signature or official facsimile signature of the Secretary of Revenue covering real property may be registered in the office of the Register of Deeds of the county or counties where the real estate described in the waiver is located. No formalities as to acknowledgement, probate, or approval by any officer shall be required as a condition to such registration. An Inheritance or Estate Tax Waiver so registered shall be conclusive evidence that the real property described in such waiver is not subject to the lien of any taxes imposed by this Article."

Sec. 2. G.S. 105-31 is amended by rewriting the last sentence to read:

"No title or interest to such estate, funds, assets, or property shall pass, and no disposition thereof shall be made by any person claiming an interest therein until said taxes have been fully paid or until the Secretary of Revenue has released such property by the issuance of an Inheritance or Estate Tax Waiver."

Sec. 3. Chapter 47 of the General Statutes is amended by adding a new section immediately after G.S. 47-18.1 to read:

"§ 47-18.2. Registration of Inheritance and Estate Tax Waiver.—An Inheritance and Estate Tax Waiver or other consent to transfer issued by the Secretary of Revenue bearing the signature of the Secretary of Revenue or the official facsimile signature of the Secretary of Revenue may be registered by the Register of Deeds in the county or counties where the real estate described in the Inheritance and Estate Tax Waiver or consent to transfer is located in the same manner as deeds, and for the same fees, but no formalities as to acknowledgement, probate, or approval by an officer shall be required. The name of the decedent owning the real property at death shall appear in the 'Grantor' index. Nothing herein shall require a personal representative or other person interested in the decedent's estate to register Inheritance and Estate Tax Waivers or consents to transfer."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 3rd day of July,
1987.