

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 607  
Second Edition Engrossed 5/4/89

Short Title: Devolution of Devise or Legacy.

(Public)

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Sponsors: Representative Hall.

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Referred to: Judiciary.

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March 15, 1989

A BILL TO BE ENTITLED

1 AN ACT TO EXPRESSLY PROVIDE FOR THE DEVOLUTION OF A DEVISE OR  
2 LEGACY OF A MEMBER OF A CLASS PREDECEASING THE TESTATOR  
3 WITHOUT QUALIFIED ISSUE AS RECOMMENDED BY THE GENERAL  
4 STATUTES COMMISSION.  
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 31-42(a) reads as rewritten:

8 "(a) Unless a contrary intent is indicated by the will, where a devise or legacy of any  
9 interest in property is given to a person as an individual or as a member of a class and  
10 the person dies survived by qualified issue before the testator dies, then the qualified  
11 issue of such deceased person that survive the testator shall represent the deceased  
12 person, and the entire interest that the deceased person would have taken had he  
13 survived the testator shall pass by substitution to his qualified issue. The qualified issue  
14 shall take pursuant to the preceding sentence regardless of whether or not the deceased  
15 person dies before or after the making of the will. Where a devise or legacy of any  
16 interest in property is given to a person as a member of a class and the person  
17 predeceases the testator and is not survived by qualified issue, then, unless a contrary  
18 intent is indicated by the will, the entire interest of such person shall devolve upon the  
19 members of the class who survived the testator and the qualified issue of any members  
20 of the class who predeceased the testator, taking by substitution as herein provided."

21 Sec. 2. This act is effective upon ratification and applies to the will of any  
22 person dying on or after that date.