

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1264

Short Title: Cert. Copies/Custody & Wills.

(Public)

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Sponsors: Representatives R. Hunter, Culpepper, Hensley, Neely, and McCrary.

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Referred to: Judiciary I.

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May 21, 1996

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR THE FILING AND REGISTRY OF CERTIFIED COPIES  
2 OF OUT-OF-STATE CUSTODY DECREES AND FOR THE VALIDATION OF  
3 CERTIFIED COPIES OF WILLS RECORDED WITHOUT PROBATE.  
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 50A-15 reads as rewritten:

7 **"§ 50A-15. Filing and enforcement of custody decree of another state.**

8 (a) An exemplified copy or a certified true copy of a custody decree of another  
9 state may be filed in the office of the clerk of any superior court of this State. The clerk  
10 shall treat the decree in the same manner as a custody decree of a court of this State. A  
11 custody decree so filed has the same effect and shall be enforced in like manner as a  
12 custody decree rendered by a court of this State.

13 (b) A person violating a custody decree of another state which makes it necessary  
14 to enforce the decree in this State may be required to pay necessary travel and other  
15 expenses, including attorneys' fees, incurred by the party entitled to the custody or such  
16 party's witnesses."

17 Sec. 2. G.S. 50A-16 reads as rewritten:

18 **"§ 50A-16. Registry of out-of-state custody decrees and proceedings.**

19 The clerk of each superior court shall maintain a registry in which ~~he~~ the clerk shall  
20 enter the following:

- 1 (1) Exemplified and certified true copies of custody decrees of other states  
2 received for filing;  
3 (2) Communications as to the pendency of custody proceedings in other  
4 states;  
5 (3) Communications concerning a finding of inconvenient forum by a court  
6 of another state; and  
7 (4) Other communications or documents concerning custody proceedings in  
8 another state which may affect the jurisdiction of a court of this State or  
9 the disposition to be made by it in a custody proceeding."

10 Sec. 3. G.S. 31-30 reads as rewritten:

11 **"§ 31-30. Validation of wills recorded without probate by subscribing witnesses.**

12 In all cases where wills and testaments were executed prior to the first day of January,  
13 1875, and which appear as recorded in the record of last wills and testaments to have had  
14 two or more witnesses thereto, and such last wills and testaments were admitted to  
15 probate and recorded in the record of wills in the proper county in this State prior to the  
16 first day of January, 1888, without having been duly proven as provided by law, and such  
17 wills were presented to the clerk of the superior court in any county in this State where  
18 the makers of said wills owned property, and where the makers of such wills lived and  
19 died, and were by such clerks recorded in the record of wills for his county, said wills and  
20 testaments or exemplified copies or certified true copies thereof, so recorded, if otherwise  
21 sufficient, shall have the effect to pass the title to real or personal property, or both,  
22 therein devised and bequeathed, to the same extent and as completely as if the execution  
23 thereof had been duly proven by the two subscribing witnesses thereto in the manner  
24 provided by law of this State. Nothing herein shall be construed to prevent such wills  
25 from being impeached for fraud."

26 Sec. 4. This act becomes effective October 1, 1996.