

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 86

Short Title: Estate Accounting Liability.

(Public)

Sponsors: Senator Hartsell (by request).

Referred to: Judiciary II/Election Laws.

January 30, 1995

A BILL TO BE ENTITLED

1 AN ACT TO MAKE IT CLEAR THAT HEIRS OR DEVISEES MAY MOVE TO
2 COMPEL THE FILING OF AN ACCOUNT IN A DECEDENT'S ESTATE AND TO
3 MAKE THE PERSONAL REPRESENTATIVE OR COLLECTOR PERSONALLY
4 LIABLE FOR THE COSTS OF A PROCEEDING TO COMPEL THE FILING OF
5 THE ACCOUNT, AS RECOMMENDED BY THE GENERAL STATUTES
6 COMMISSION.

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8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 28A-21-4 reads as rewritten:

10 **"§ 28A-21-4. Clerk may compel account.**

11 (a) If any personal representative or collector fails to account as directed in G.S.
12 28A-9-3, 28A-21-1 or 28A-21-2 or renders an unsatisfactory account, the clerk of
13 superior court shall, upon his own motion or upon the request of one or more ~~creditors~~
14 creditors, heirs, or devisees of the decedent or other interested party, promptly order such
15 personal representative or collector to render a full satisfactory account within 20 days
16 after service of the order. If, after due service of the order, the personal representative or
17 collector does not on or before the return day of the order file such account, or obtain
18 further time in which to file it, the clerk may remove him from office or may issue an
19 attachment against him for a contempt and commit him until he files said account.

1 (b) The personal representative or collector shall be personally liable for the costs
2 of any proceeding incident to his failure to file the account required by G.S. 28A-9-3,
3 28A-21-1, or 28A-21-2. Such costs shall be taxed against him by the clerk of superior
4 court and may be collected by deduction from any commissions which may be found due
5 the personal representative or collector upon final settlement of the estate."

6 Sec. 2. This act becomes effective October 1, 1995, and applies to orders to
7 compel an accounting entered on or after that date.