

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 525  
House Committee Substitute Favorable 5/12/99

Short Title: Personal Rep. Qualifications.

(Public)

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Sponsors:

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Referred to:

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March 25, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW NON-UNITED STATES CITIZENS TO SERVE AS  
3 PERSONAL REPRESENTATIVES IN THE ADMINISTRATION OF ESTATES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 28A-4-2 reads as rewritten:

6 **"§ 28A-4-2. Persons disqualified to serve as personal representative.**

7 No person is qualified to serve as a personal representative who:

- 8 (1) Is under 18 years of age;
- 9 (2) Has been adjudged incompetent in a formal proceeding and remains  
10 under such disability;
- 11 (3) Is a convicted felon, under the laws either of the United States or of any  
12 state or territory of the United States, or of the District of Columbia and  
13 whose citizenship has not been restored;
- 14 (4) Is a nonresident of this State who has not appointed a resident agent to  
15 accept service of process in all actions or proceedings with respect to  
16 the estate, and caused such appointment to be filed with the court; or  
17 who is a resident of this State who has, subsequent to appointment as a  
18 personal representative, moved from this State without appointing such  
19 process agent;

- 1           (5)    Is a corporation not authorized to act as a personal representative in this  
2           State;  
3           ~~(6)    Is an alien disqualified by law;~~  
4           (7)    Has lost his rights as provided by Chapter 31A;  
5           (8)    Is illiterate;  
6           (9)    Is a person whom the clerk of superior court finds otherwise unsuitable;  
7           or  
8           (10)  Is a person who has renounced either expressly or by implication as  
9           provided in G.S. 28A-5-1 and 28A-5-2."

10           Section 2. This act becomes effective January 1, 2000, and applies to estates  
11 of decedents dying on or after that date.