

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**SENATE BILL 219\***

Short Title: Amend Anti-Lapse Statute.

(Public)

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Sponsors: Senator Hartsell.

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Referred to: Judiciary I.

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February 22, 2001

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE ANTI-LAPSE STATUTE TO PROVIDE THAT THE  
2 INTEREST OF A DECEASED CLASS MEMBER WHO LEAVES NO ISSUE  
3 DEVOLVES UPON THE REMAINING CLASS MEMBERS AND THE ISSUE  
4 OF OTHER DECEASED CLASS MEMBERS, AS RECOMMENDED BY THE  
5 GENERAL STATUTES COMMISSION.  
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 31-42(a) reads as rewritten:

9 "(a) Unless the will indicates a contrary intent, if a devisee predeceases the  
10 testator, whether before or after the execution of the will, and if the devisee is a  
11 grandparent of or a descendant of a grandparent of the testator, then the issue of the  
12 predeceased devisee shall take in place of the deceased devisee. The devisee's issue  
13 shall take the deceased devisee's share in the same manner that the issue would take as  
14 heirs of the deceased devisee under the intestacy provisions in effect at the time of the  
15 testator's death. The provisions of this section apply whether the devise is to an  
16 individual, to a class, or is a residuary devise. In the case of the class devise, the issue  
17 shall take whatever share the deceased devisee would have taken had the devisee  
18 survived the ~~testator.~~ testator; in the event the deceased class member leaves no issue,  
19 the devisee's share shall devolve upon the members of the class who survived the  
20 testator and the issue of any deceased members taking by substitution."

21 **SECTION 2.** This act is effective when it becomes law and applies to estates  
22 of decedents dying on or after that date.