

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1342

Short Title: Decedent's Safe-Deposit Box.

(Public)

Sponsors: Representatives Brawley, Cansler, Capps, Gray, Hill, Neely, Ramsey, C. Wilson; and Morris.

Referred to: Judiciary II.

May 20, 1998

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT THE CLERK OF SUPERIOR COURT DOES NOT
2 HAVE TO INVENTORY A DECEDENT'S SAFE-DEPOSIT BOX IF A
3 QUALIFIED PERSON IS PRESENT AT THE OPENING OF THE BOX.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 15 of Chapter 28A of the General Statutes is amended by
6 adding a new section to read:

7 **"§ 28A-15-13. Opening and inventory of decedent's safe-deposit box.**

8 (a) Definitions. – The following definitions apply to this section:

9 (1) Institution. – Any entity or person having supervision or possession of a
10 safe-deposit box to which a decedent had access.

11 (2) Letter of authority. – Letters of administration, letters testamentary, an
12 affidavit of collection of personal property, an order of summary
13 administration, or a letter directed to the institution designating a person
14 entitled to receive the contents of a safe-deposit box to which the
15 decedent had access. The letter of authority must be signed by the clerk
16 of superior court or by the clerk's representative.
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1 (3) Qualified person. – A person possessing a letter of authority or a person
2 named as a lessee or cotenant of the safe-deposit box to which the
3 decedent had access.

4 (b) Presence of Clerk Required. – Any safe-deposit box to which a decedent had
5 access shall be sealed by the institution having supervision or possession of the box.
6 Except as provided in subsection (c) of this section, the presence of the clerk of superior
7 court of the county where the safe-deposit box is located or the presence of the clerk's
8 representative is required before the box may be opened. The clerk or the clerk's
9 representative shall open the safe-deposit box in the presence of the person possessing a
10 key to the box and a representative of the institution having supervision or possession of
11 the box. The clerk shall make an inventory of the contents of the box and furnish a copy
12 to the institution and to the person possessing a key to the box.

13 (c) An Inventory and the Presence of Clerk Not Required. – Neither an inventory
14 nor the presence of the clerk of superior court or the clerk's representative is required
15 when the person requesting the opening of the decedent's safe-deposit box is a qualified
16 person.

17 (d) Testamentary Instrument in Box. – If the safe-deposit box contains any writing
18 that appears to be a will, codicil, or any other instrument of a testamentary nature, then
19 the clerk of superior court or the qualified person shall file the instrument in the office of
20 the clerk of superior court.

21 (e) Release of Contents. – Except as provided in subsection (d) for testamentary
22 instruments, the institution shall not release any contents of the safe-deposit box to
23 anyone other than a qualified person.

24 (f) No Tax Waiver Required. – Notwithstanding the provisions in G.S. 105-24(a),
25 no tax waiver is required for the release of the contents of the decedent's safe-deposit
26 box."

27 Section 2. G.S. 105-24(b), (c), and (e) are repealed.

28 Section 3. This act becomes effective October 1, 1998, and applies to estates
29 of decedents who die on or after that date.