

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE BILL 794  
Committee Substitute Favorable 4/23/07

Short Title: Raise Ceil'g/Personal Prop. Sale/Guardianship.

(Public)

Sponsors:

Referred to:

March 15, 2007

A BILL TO BE ENTITLED

AN ACT TO RAISE THE CEILING ON THE TOTAL AMOUNT OF PERSONAL PROPERTY A GUARDIAN IS ALLOWED TO SELL WITHOUT A COURT ORDER UNDER THE LAWS PERTAINING TO GUARDIANSHIP AS RECOMMENDED BY THE HOUSE STUDY COMMITTEE ON STATE GUARDIANSHIP LAWS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 35A-1251(17)a. reads as rewritten:

"In the case of an incompetent ward, a general guardian or guardian of the estate has the power to perform in a reasonable and prudent manner every act that a reasonable and prudent person would perform incident to the collection, preservation, management, and use of the ward's estate to accomplish the desired result of administering the ward's estate legally and in the ward's best interest, including but not limited to the following specific powers:

...

(17)a. Without a court order to lease any of the ward's real estate for a term of not more than three years, or to sell, lease or exchange any of the ward's personal property including securities, provided that the aggregate value of all items of the ward's tangible personal property sold without court order ~~over the duration of the estate shall not exceed one thousand five hundred dollars (\$1,500).~~ shall not exceed five thousand dollars (\$5,000) per accounting period, and shall not exceed the total aggregate amount of fifteen thousand dollars (\$15,000) over the duration of the estate. When any item of the ward's tangible personal property has a value which when increased by the value of all other tangible personal property previously sold in the estate without a court order would exceed ~~one thousand five hundred dollars (\$1,500),~~ five thousand dollars (\$5,000) in the current accounting period, or the total aggregate amount of fifteen thousand dollars (\$15,000) over the

1                    duration of the estate, a guardian may sell the item only as provided in  
2                    subdivision (17)b.

3                    ...."

4                    **SECTION 2.** G.S. 35A-1252(14)a. reads as rewritten:

5                    "In the case of a minor ward, a general guardian or guardian of the estate has the  
6                    power to perform in a reasonable and prudent manner every act that a reasonable and  
7                    prudent person would perform incident to the collection, preservation, management, and  
8                    use of the ward's estate to accomplish the desired result of administering the ward's  
9                    estate legally and in the ward's best interest, including but not limited to the following  
10                    specific powers:

11                    ...

12                    (14)a. Without a court order to lease any of the ward's real estate for a term  
13                    of not more than three years, or to sell, lease or exchange any of the  
14                    ward's personal property including securities, provided that the  
15                    aggregate value of all items of the ward's tangible personal property  
16                    sold without court order ~~over the duration of the estate shall not exceed~~  
17                    ~~one thousand five hundred dollars (\$1,500)~~ shall not exceed five  
18                    thousand dollars (\$5,000) per accounting period, and shall not exceed  
19                    the total aggregate amount of fifteen thousand dollars (\$15,000) over  
20                    the duration of the estate. When any item of the ward's tangible  
21                    personal property has a value which when increased by the value of all  
22                    other tangible personal property previously sold in the estate without a  
23                    court order would exceed ~~one thousand five hundred dollars~~  
24                    ~~(\$1,500)~~, five thousand dollars (\$5,000) in the current accounting  
25                    period, or the total aggregate amount of fifteen thousand dollars  
26                    (\$15,000) over the duration of the estate, a guardian may sell the item  
27                    only as provided in subdivision (14)b.

28                    ...."

29                    **SECTION 3.** This act is effective when it becomes law.