

NORTH CAROLINA GENERAL ASSEMBLY  
1965 SESSION

CHAPTER 268  
HOUSE BILL 408

AN ACT TO VALIDATE CERTAIN ACTIONS OF THE CLERK OF SUPERIOR COURT OF DARE COUNTY WHEREIN CERTAIN SPECIFIED GUARDIANSHIPS WERE APPOINTED INNOCENTLY AND UNDER EMERGENCY CIRCUMSTANCES.

WHEREAS, the Clerk of Superior Court of Dare County, acting in official capacity as a county officer, upon requests received from the Dare County Welfare Department and after investigation by his office sufficient to satisfy his purpose, has in the past on several occasions appointed guardians to act on behalf of persons deemed by the Department of Public Welfare to be incompetent who were recipients of public welfare under one or another of the various welfare programs, to wit:

1. Norma Sandifer and Isadora Burrus, guardians successively for Matilda Burrus,
2. Walter Perry, guardian for Mary W. Baum,
3. Lovie B. Bethea, guardian for Daniel Burton,
4. Frank Cahoon, guardian for George M. Twiford,
5. Edward Branch Meekins, guardian for Paul Ray Meekins,
6. Ozella S. Scarborough, guardian for Martha Wood Scarborough; and

WHEREAS, as a consequence of such appointments the aforesaid guardians received and dispensed grants-in-aid on behalf of said welfare recipients over the duration of the tenure of appointment as such in total amounts for each recipient, to wit:

1. For Matila Burrus ..... \$2,349.83,
2. For Mary W. Baum ..... 2,727.09,
3. For Daniel Burton ..... 1,576.69,
4. For George M. Twiford ..... 1,095.36,
5. For Paul Ray Meekins ..... 1,130.45,
6. For Martha Wood Scarborough ..... 907.05; and

WHEREAS, audits of welfare accounts by Federal and State auditors have shown that the aforesaid grants-in-aid have, without exception, been administered in proper manner and in every respect entirely for the benefit of the intended recipient, his or her aid and comfort; nevertheless, the manner of the appointment of the guardianship had not been done in strict accord with the provision of the General Statutes of North Carolina for such cases; and

WHEREAS, there being no evidence of malfeasance, misappropriation, misdemeanor or any other misdoing present and, taking into account the hardship which

would be required to reimburse the Federal or State Governments for any of the sums of money involved by the said guardianships and, taking into account that the county government itself would be in error to the same extent and for the same reasons as any other echelon of government if repayment was accomplished from the public treasury of said county: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That each and every guardianship which has come about by appointment of the Clerk of Superior Court of Dare County as set forth in the preamble hereto, as to the person or persons designated and in the amounts shown, be hereby validated and declared lawful, to the same extent and for the same purpose as would have served should the appointments have been made after the determination of competency of the recipient by a duly constituted court,

Sec. 2. That each guardianship appointment validated hereby shall be liable under the law for any and all acts, taken in administering the responsibilities of such guardianship, to the same extent and for the same purpose as would have accrued if the appointments had been made after the determination of competency of the recipient by a duly constituted court.

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1965.