

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 190

Short Title: Equit. Distrib./Judgment.

(Public)

Sponsors: Representative Rhyne.

Referred to: Judiciary I.

February 28, 1991

A BILL TO BE ENTITLED

AN ACT ALLOWING JUDGMENT FOR EQUITABLE DISTRIBUTION TO BE
ENTERED PRIOR TO ENTRY OF DIVORCE DECREE IN CERTAIN CASES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-21(a) reads as rewritten:

"§ 50-21. Procedures in actions for equitable distribution of property.

(a) At any time after a husband and wife begin to live separate and apart from each other, a claim for equitable distribution may be filed, either as a separate civil action, or together with any other action brought pursuant to Chapter 50 of the General Statutes, or as a motion in the cause as provided by G.S. 50-11(e) or (f). During the pendency of any such action for equitable distribution, discovery may proceed, and the court may enter temporary orders as appropriate and necessary for the purpose of preventing the disappearance, waste, or destruction of marital or separate property or to secure the possession thereof.

A judgment for an equitable distribution shall not be entered prior to entry of a decree of absolute divorce, except for a consent judgment, which may be entered at any time during the pendency of the ~~action~~-action, or except if the parties have been separated for at least six months and they consent, in a pleading or other writing filed with the court, to an equitable distribution trial prior to the entry of the decree for absolute divorce.

Real or personal property located outside of North Carolina is subject to equitable distribution in accordance with the provisions of G.S. 50-20, and the court may include in its order appropriate provisions to ensure compliance with the order of equitable distribution."

1 Sec. 2. This act is effective upon ratification and applies to actions for
2 equitable distribution filed or pending on or after that date.