

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 272
Committee Substitute Favorable 5/4/95

Short Title: Allow Interim Dist. Awards/ED.

(Public)

Sponsors:

Referred to:

February 23, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW PARTIAL DISTRIBUTION AWARDS PRIOR TO FINAL
3 JUDGMENT IN EQUITABLE DISTRIBUTION CASES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 50-20(i1) reads as rewritten:

6 "~~(i1) After an action for equitable distribution has been filed the Court may, for just~~
7 ~~cause, order the spouse in control of marital assets to transfer the use and possession of~~
8 ~~some or all of those assets to the other spouse provided that any and all assets so~~
9 ~~transferred shall be subject to a full accounting when the property is ultimately allocated~~
10 ~~in an equitable distribution judgment. Any property transfer made pursuant to this~~
11 ~~subsection shall be made without prejudice to the rights of either spouse to claim a~~
12 ~~contrary classification, value, or distribution in the final equitable distribution trial. For~~
13 good cause shown, including, but not limited to, providing for the subsistence of a spouse
14 while an action is pending, the Court may, at any time after an action for equitable
15 distribution has been filed and prior to the final judgment of equitable distribution, enter
16 orders declaring what is separate property and dividing part of the marital property
17 between the parties. The partial distribution may provide for a distributive award. Any
18 such orders entered shall be taken into consideration at trial."

1 Sec. 2. This act becomes effective October 1, 1995, and applies to all equitable
2 distribution actions pending on or filed after that date.