



HOUSE BILL 212: Condemnation/Service on Spouses Not Required.

2025-2026 General Assembly

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| Committee: | House Judiciary 3. If favorable, re-refer to Rules, Calendar, and Operations of the House | Date: | March 18, 2025 |
| Introduced by: | Rep. Blust | Prepared by: | Michael Johnston* |
| Analysis of: | First Edition | | Staff Attorney |

OVERVIEW: *House Bill 212 would specify that a surviving spouse is not entitled to take a partial life estate election in real estate subject to a condemnation action initiated by the Department of Transportation (Department) before the deceased spouse's death and would further clarify that the Department is not required to serve or join a spouse of a person with an interest in land subject to the condemnation action unless the spouse has an interest in the land other than the possibility of that intestate election.*

CURRENT LAW: Article 9 of Chapter 136 of the General Statutes outlines the requirements and processes that the Department of Transportation (Department) must follow in condemning land and real property interests for use by the Department. As part of this process, the Department must initiate a condemnation action by filing a complaint in a superior court and a declaration of taking, the requirements of which are outlined in statute. The declaration must contain the names and addresses of those persons that the Department is informed and believes may have or claim to have an interest in the land.

Chapter 29 of the General Statutes contains the laws that relate to intestate succession and outlines shares of surviving spouses in real property, which includes the optional election for a percentage of a life estate in certain real estate.

BILL ANALYSIS: This bill would specify that the surviving spouse is not entitled to take a partial life estate election in real estate taken by the Department in a condemnation action initiated before the deceased spouse's death and would further clarify that the Department is not required to serve or join the spouse of a person with an interest in the land subject to the condemnation action unless the spouse has an interest in the land other than the possibility of that intestate election.

EFFECTIVE DATE: This act would become effective October 1, 2025, and apply to condemnation actions initiated on or after that date.

**Howard Marsilio, Staff Attorney, substantially contributed to this summary.*

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