



# HOUSE BILL 377: Changes to Estates and Trusts Statutes.

2025-2026 General Assembly

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<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	April 2, 2025
<b>Introduced by:</b>	Rep. Stevens	<b>Prepared by:</b>	Debbie Griffiths Staff Attorney
<b>Analysis of:</b>	Second Edition		

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**OVERVIEW:** House Bill 377 would amend North Carolina's estates and trust statutes as recommended by the Estate Planning and Fiduciary Law Section of the North Carolina Bar Association as follows:

- Enact the North Carolina Uniform Electronic Wills Act.
- Update the elective share statutes.
- Update statutes related to trust administration.
- Revise the year's allowance statute.

## BILL ANALYSIS:

### PART I. UNIFORM ELECTRONIC WILLS ACT

**Section 1.1** would create a new article in Chapter 31 of the General Statutes for the North Carolina Uniform Electronic Wills Act (the Act) and include definitions for applicable terms used in the new article. The Act would govern the creation and administration of electronic wills in North Carolina and allow a testator to execute an electronic will while maintaining the same protections that are available for individuals executing a traditional will.

**Sections 1.2, 1.3, 1.4, 1.5, 1.6, and 1.7** would make conforming changes to existing statutes to incorporate the adoption and use of electronic wills in North Carolina.

**Section 1.8** would require the Revisor of Statutes to include annotations to the General Statutes of all relevant portions of the Official Comments to the Uniform Electronic Wills Act and all explanatory comments of the drafters of this act as the Revisor deems appropriate.

**Section 1.9** sets the effective dates as follows: Section 1.7 would apply to electronic wills executed on or after January 1, 2026, and it would also apply to attested written wills converted to electronic wills on or after January 1, 2026, regardless of the date of execution of the attested written will. Section 1.7 would otherwise apply immediately to all wills deposited with the clerk at any time prior to January 1, 2026. The remainder of Part I would become effective January 1, 2026, and apply to electronic wills executed on or after that date, and it would also apply to attested written wills converted to electronic wills on or after that date, regardless of the date of execution of the attested written will.

### PART II. UPDATES TO ELECTIVE SHARE STATUTES

**Section 2.1** would amend G.S. 30-3.3A to provide additional guidance in drafting trusts that would count 100% towards the spouse's elective share, to make clear that the requirement of a nonadverse trustee must be in place for the duration of the trust, including successor trustees, and to make clear that if the surviving spouse serves as their own trustee, the requirement would be met.

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Director



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**Section 2.2** would amend G.S. 30-3.4 to clarify the process of what is required for a surviving spouse to perfect his or her claim for an elective share. The procedure would make it clear that the only requirement for a timely filed claim is filing a verified petition with the clerk within 6 months of letters testamentary or letters of administration being issued.

**Section 3.3** would make Part II effective January 1, 2026, and apply to elective share claims filed on or after that date.

## **PART III. TRUST ADMINISTRATION/CONTEST UPDATES**

**Section 3.1** would amend G.S. 36C-6-604 to clarify what a trustee may and may not do when a trust contest is pending or may be pending.

**Section 3.2** Part III would be effective January 1, 2026, and would apply to settlors dying on or after that date.

## **PART IV. REVISIONS TO YEAR'S ALLOWANCE STATUTES**

**Section 4.1** would amend G.S. 30-15 (spouse's allowance) to clarify that an allowance under Article 4 of Chapter 30 of the General Statutes is an estate proceeding within the meaning of Article 2, Chapter 28A and to clarify the priority between a spousal and child's year's allowance when a surviving spouse fails to petition for the spousal allowance within six months after the death of the decedent.

**Section 4.2** would amend G.S. 30-17 (child's allowance) to clarify that an allowance under Article 4 of Chapter 30 of the General Statutes is an estate proceeding within the meaning of Article 2, Chapter 28A and to clarify that an adult child who is otherwise entitled to a child's allowance may petition for and receive his/her own money.

**Section 4.3** would amend G.S. 30-20 by deleting subsection (c) which currently allows a clerk, on his or her own motion, to determine that a hearing is necessary to determine whether a year's allowance should be awarded.

**Section 4.4** would amend G.S. 30-23.1 to make conforming changes related to the deletion of G.S. 30-20(c) and to clarify that any proceeding brought to challenge the award of a year's allowance must be conducted as an estate proceeding in accordance with Article 2 of Chapter 28A of the General Statutes.

**Section 4.5** would amend G.S. 28A-25-6 to allow the clerk to disburse estate funds as provided for by statute when no petition for the spousal or child's year's allowance is filed within six months of the decedent's death.

**Section 4.6** Section 4.5 would be effective when it becomes law. The remainder of Part IV would become effective January 1, 2026, and apply to petitions filed on or after that date.

**EFFECTIVE DATE:** Except as otherwise provided in the act, the act is effective when it becomes law.