



CHAPTER 28C

N.C.G.S. § 28C-1.

Death not presumed from seven years' absence; exposure to peril and certain presumptions to be considered.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2025-44, s. 1 — third act in the lineage	RETRIEVED 21 September 2026, 04:01 UTC	SOURCE FINGERPRINT 88e63e9c2130af3bd577790 - b00caaecb295eedd2ea3292c - 5fcd63aebb4cc3a5
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§ 28C-1(a) Death Not to Be Presumed from Mere Absence. - In any action under this Chapter, where the death of a person and the date thereof, or either, is in issue the fact that he has been absent from his place of residence, unheard of for seven years, or for any other period, creates no presumption requiring the judge or the jury to find that he is now deceased. The issue shall be decided by the judge as one of fact upon the evidence.

§ 28C-1(b) Exposure to Specific Peril to Be Considered. - If during such absence the person has been exposed to a specific peril of death, this fact shall be considered by the judge; or if there be a jury, shall be sufficient evidence to be submitted to the jury.

§ 28C-1(c) Federal Finding of Presumed Death. - A written finding of presumed death, as described in G.S. 8-37.1, shall be prima facie evidence to be considered by the judge; or if there be a jury, shall be sufficient evidence to be submitted to the jury.

PRIMA FACIE
EVIDENCE

§ 28C-1(d) Disappearance Coincident to Disaster Declaration. - The disappearance and continued absence for at least 90 days of a person that coincides with a disaster declaration, as defined in G.S. 166A-19.3, or a federally declared disaster, shall create a rebuttable presumption of the death of a person.

REBUTTABLE
PRESUMPTION

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
3 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1965		1995		2025
TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT		
Nº	YEAR	ACT	CHARACTER	
01	1965	c. 815, s. 1	ENACTED	
02	1973	c. 1329, s. 2	AMENDED	
03	2025	S.L. 2025-44, s. 1	AMENDED	

APPARATUS II
2 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 8-37.1	(c)	"of presumed death, as described in"
G.S. 166A-19.3	(d)	"a disaster declaration, as defined in"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 28C-1 (2025).

PINPOINT

N.C. Gen. Stat. § 28C-1(a) (2025).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE
(1965, c. 815, s. 1; 1973, c. 1329, s. 2; 2025-44, s. 1.)

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NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

