



CHAPTER 30

ARTICLE 5 - UNIFORM COMMUNITY PROPERTY DISPOSITION AT DEATH ACT

N.C.G.S. § 30-48.

Right of surviving community-property spouse.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	No amendment history on record	21 September 2026, 03:30 UTC	714fef680073f1e339581f80 - 26eb9b09d5c4a727f8627798 - af869a9ee9f18ad5

§ 30-48(a)

The surviving community-property spouse of a decedent may assert a claim for relief with respect to a right under this Article in accordance with the following:

- (1) With respect to a claim for relief asserting a right in or to property, the surviving community-property spouse must do either of the following:
 - a. Within one year of the decedent's date of death, commence a civil action in superior court against an heir, devisee, or nonprobate transferee that is in possession of the property.
 - b. Within six months after the issuance of letters testamentary or letters of administration in connection with the decedent's testate or intestate proceeding, file a petition with the clerk of superior court or commence a civil action in superior court in the county in which the primary administration of the decedent's estate lies. A petition with the clerk of superior court shall be filed as an estate proceeding, and the proceeding shall be conducted in accordance with the procedures of Article 2 of Chapter 28A of the General Statutes.
- (2) With respect to a claim for relief other than a claim under subdivision (a)(1) of this section, the surviving community-property spouse must do either of the following:
 - a. If a personal representative of the decedent's estate is not appointed, commence a civil action in superior court within one year of the decedent's date of death.
 - b. Satisfy the procedural requirements of sub-subdivision (a)(1)b. of this section.

- (3) The incapacity of the surviving spouse does not toll the time for commencing an action or filing a petition as provided in this section.

§ 30-48(b)

Unless a timely demand is made under sub-subdivision (a)(1)b. or (a)(2)b. of this section, the personal representative may distribute the assets of the decedent's estate without personal liability for a community-property spouse's claim under this Article. (2025-25, s. 51.)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 30-48 (2026).

PINPOINT

N.C. Gen. Stat. § 30-48(a) (2026).

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.

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