



CHAPTER 31
ARTICLE 7 - CONSTRUCTION OF WILL

N.C.G.S. § 31-39.

Probate necessary to pass title; rights of
lien creditors and purchasers; recordation
in county where real property lies.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2014-107, s. 2.2 — ninth act in the lineage	RETRIEVED 21 September 2026, 02:47 UTC	SOURCE FINGERPRINT 3b9a1d6630f0e7a37e03aca0 - 100b7f161756ffc803fd4865 - 7ab4b74cb051eba8
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§ 31-39(a) A duly probated will is effective to pass title to real and personal property.

§ 31-39(b) A will is not effective to pass title to real or personal property as against lien creditors or purchasers for valuable consideration from the intestate heirs at law of a decedent, unless the will is probated or offered for probate before the earlier of (i) the date of the approval by the clerk of the superior court having jurisdiction of the decedent's estate of the final account filed by the personal representative of the decedent's estate, or (ii) the date that is two years from the date of death of the decedent. If the will is fraudulently suppressed, stolen, or destroyed, or is lost, and an action or proceeding is instituted within the time limitation set forth in this subsection to obtain that will or establish that will as provided by law, the time limitation under this subsection begins to run from the termination of that action or proceeding.

§ 31-39(c) A will duly probated in one county of this State is not effective to pass title to an interest in real property located in any other county of this State as against lien creditors or purchasers for valuable consideration from the intestate heirs at law of a decedent unless a certified copy of the will and a certified copy of the certificate of probate of the will are filed in the office of the clerk of superior court in the county where the real property lies within the time limitation set forth in subsection (b) of this section.

§ 31-39(d) A conveyance made by the intestate heirs at law of a decedent before the expiration of the time limitation set forth in subsection (b) of this section shall, upon the expiration of that time, become effective to the same extent as if the conveyance were made after the expiration of that time, unless before the expiration of that time, a proceeding is instituted in the proper court to probate a will of the decedent.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
9 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.

1784

1899

2014

TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT

Nº	YEAR	ACT	CHARACTER
01	1784	c. 225, s. 6	ENACTED
02	1784	R.C., c. 119, s. 20	AMENDED
03	1784	Code, s. 2174	AMENDED
04	Rev.	s. 3139	RECODIFIED
05	1915	c. 219	AMENDED
06	C.S.	s. 4163	RECODIFIED
07	1953	c. 920, s. 1	AMENDED
08	2012	S.L. 2012-68, s. 2	AMENDED
09	2014	S.L. 2014-107, s. 2.2	AMENDED

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 31-39 (2014).

PINPOINT

N.C. Gen. Stat. § 31-39(a) (2014).

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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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1784, c. 225, s. 6; R.C., c. 119, s. 20; Code, s. 2174; Rev., s. 3139; 1915, c. 219; C.S., s. 4163; 1953, c. 920, s. 1; 2012-68, s. 2; 2014-107, s. 2.2.)

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