



CHAPTER 31

ARTICLE 2 - REVOCATION OF WILL

N.C.G.S. § 31-5.5.

After-born or after-adopted child; children born out of wedlock; effect on will.

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, 05:37 UTC	1033d140cfade69cc47128f6 - 7c4110daa9bada056d4134d2 - 5236d3059ff709e8

§ 31-5.5(a)

A will shall not be revoked by the subsequent birth of a child to the testator, or by the subsequent adoption of a child by the testator, or by the subsequent entitlement of an after-born child born out of wedlock to take as an heir of the testator pursuant to the provisions of G.S. 29-19(b), but any after-born, after-adopted or entitled after-born child born out of wedlock shall have the right to share in the testator's estate to the same extent the after-born, after-adopted, or entitled after-born child born out of wedlock would have shared if the testator had died intestate unless:

- (1) The testator made some provision in the will for the child, whether adequate or not;
- (2) It is apparent from the will itself that the testator intentionally did not make specific provision therein for the child;
- (3) The testator had children living when the will was executed, and none of the testator's children actually take under the will;
- (4) The surviving spouse receives all of the estate under the will; or
- (5) The testator made provision for the child that takes effect upon the death of the testator, whether adequate or not.

§ 31-5.5(b)

The provisions of G.S. 28A-22-2 shall be construed as being applicable to after-adopted children and to after-born children, whether legitimate or entitled children born out of wedlock.

§ 31-5.5(c) The terms "after-born," "after-adopted" and "entitled after-born" as used in this section refer to children born, adopted or entitled subsequent to the execution of the will. (1868-9, c. 113, s. 62; Code, s. 2145; Rev., s. 3145; C.S., s. 4169; 1953, c. 1098, s. 7; 1955, c. 541; 1973, c. 1062, s. 2; 1985, c. 689, s. 9; 1995, c. 161, s. 1; 1997-456, s. 55.8; 2011-344, s. 8; 2013-198, s. 14.)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

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. 29-19(b)	(a)	"testator pursuant to the provisions of"
G.S. 28A-22	(b)	"The provisions of"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 31-5.5 (2026).

PINPOINT

N.C. Gen. Stat. § 31-5.5(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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