



CHAPTER 35A  
ARTICLE 14 - SALE, MORTGAGE, EXCHANGE OR LEASE OF WARD'S ESTATE

N.C.G.S. § 35A-1306.

Abandoned incompetent spouse.

|                                                                                    |                                                                        |                                           |                                                                                              |
|------------------------------------------------------------------------------------|------------------------------------------------------------------------|-------------------------------------------|----------------------------------------------------------------------------------------------|
| SOURCE<br>General Statutes of North Carolina, as published by the General Assembly | LAST AMENDMENT IN THIS TEXT<br>c. 550, s. 1 — first act in the lineage | RETRIEVED<br>21 September 2026, 04:48 UTC | SOURCE FINGERPRINT<br>b83703b90e678e2a149b6df7 - 2bb76d7b43eb863172ed1ae9 - 462e77d01c53809b |
|------------------------------------------------------------------------------------|------------------------------------------------------------------------|-------------------------------------------|----------------------------------------------------------------------------------------------|

§ 35A-1306(a)      A guardian of a married person found incompetent who has been abandoned, whether the guardian was appointed before or after the abandonment, may initiate a special proceeding before the clerk having jurisdiction over the ward requesting the issuance of an order authorizing the sale of the ward's separate real property without the joinder of the abandoning spouse.

§ 35A-1306(b)      The ward's spouse shall be served with notice of the special proceeding in accordance with G.S. 1A-1, Rule 4.

§ 35A-1306(c)      If the clerk finds:

- (1)      That the spouse of the ward has willfully and without just cause abandoned the ward for a period of more than one year; and
- (2)      That the spouse of the ward has knowledge of the guardianship, or that the guardian has made a reasonable attempt to notify the spouse of the guardianship; and
- (3)      That an order authorizing the sale of the separate real property of the ward is in the best interest of the ward;

the clerk may issue such an order thereby barring the abandoning spouse from all right, title and interest in any of the ward's separate real property sold pursuant to such an order.

APPARATUS I  
1 ACT

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.

|                                 |      |              |           |                                        |
|---------------------------------|------|--------------|-----------|----------------------------------------|
| 1987                            |      |              |           | 1988                                   |
| TICK HEIGHT = ACTS IN THAT YEAR |      |              |           | DASHED = RECODIFICATION, NOT AMENDMENT |
| Nº                              | YEAR | ACT          | CHARACTER |                                        |
| 01                              | 1987 | c. 550, s. 1 | ENACTED   |                                        |

APPARATUS II  
1 AUTHORITY

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. 1A-1 | (b)        | "the special proceeding in accordance with" |

APPARATUS III

Citation

FULL SECTION  
N.C. Gen. Stat. § 35A-1306 (1987).

PINPOINT  
N.C. Gen. Stat. § 35A-1306(a) (1987).

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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The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

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

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE  
(1987, c. 550, s. 1.)

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SET IN SPECTRAL AND ARCHIVO  
NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

