



CHAPTER 36F

N.C.G.S. § 36F-15.

Fiduciary duty and authority.

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, 03:34 UTC	a6b2c547bbcd729e8cdaaa69 - 90603d6bda6da1750262cc58 - 65ba5706ffeb907d

§ 36F-15(a) The legal duties imposed on a fiduciary charged with managing tangible property apply to the management of digital assets, including all of the following:

- (1) The duty of care.
- (2) The duty of loyalty.
- (3) The duty of confidentiality.

§ 36F-15(b) All of the following apply to a fiduciary's or designated recipient's authority with respect to a digital asset of a user:

- (1) Except as otherwise provided in G.S. 36F-4, it is subject to the applicable terms of service.
- (2) It is subject to other applicable law, including copyright law.
- (3) In the case of a fiduciary, it is limited by the scope of the fiduciary's duties.
- (4) It shall not be used to impersonate the user.

§ 36F-15(c) A fiduciary with authority over the property of a decedent, ward, principal, or settlor has the right to access any digital asset in which the decedent, ward, principal, or settlor had a right or interest and that is not held by a custodian or subject to a terms-of-service agreement.

§ 36F-15(d) A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the property of the decedent, ward, principal, or settlor for the purpose of applicable computer fraud and unauthorized computer access laws, including G.S. 14-458.

§ 36F-15(e)

A fiduciary with authority over the tangible, personal property of a decedent, ward, principal, or settlor:

- (1) Has the right to access the property and any digital asset stored in it; and
- (2) Is an authorized user for the purpose of computer fraud and unauthorized-computer-access laws, including G.S. 14-458.

§ 36F-15(f)

A custodian may disclose information in an account to a fiduciary of the user when the information is required to terminate an account used to access digital assets licensed to the user.

§ 36F-15(g)

A fiduciary of a user may request a custodian to terminate the user's account. A request for termination must be in writing, in either physical or electronic form, and accompanied by all of the following:

- (1) If the user is deceased, a certified copy of the death certificate of the user.
- (2) A certified copy of letters of administration or letters testamentary of the personal representative, a certified copy of a small estate affidavit filed in accordance with G.S. 28A-25.1(b), a certified copy of a summary administration order described in G.S. 28A-28-3, or a court order, power of attorney, or trust giving the fiduciary authority over the account.

- (3) If requested by the custodian, any of the following:

a.A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account.

b.Evidence linking the account to the user.

c.A finding by the court that the user had a specific account with the custodian, identifiable by the information specified in sub-subdivision a. of this subdivision.-
(2016-53, s. 1.)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II
4 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. 36F-4	(b)(1)	<i>"Except as otherwise provided in"</i>
G.S. 14-458	(d)	<i>"and unauthorized computer access laws, including"</i>
G.S. 28A-25.1(b)	(g)(2)	<i>"estate affidavit filed in accordance with"</i>
G.S. 28A-28	(g)(2)	<i>"a summary administration order described in"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 36F-15 (2026).

PINPOINT

N.C. Gen. Stat. § 36F-15(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.

COLOPHON

Provenance

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

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.

