

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice
Superior Court Division
Before The Clerk

County

IN THE MATTER OF THE ESTATE OF

Name Of Decedent

Date Of Death

PETITION AND ASSIGNMENT
YEAR'S ALLOWANCE
(For Decedents Dying On Or After March 1, 2024)

G.S. 30-15, 30-17, 30-20

Spoken Language Court Interpreter Needed For Any Party, Victim, Or Witness? (If Yes, identify person(s) and language(s). Interpreters provided for all court proceedings at no cost.)
No Yes: (explain)

I am petitioning for an allowance for a year's support for the person(s) named and state:

- 1. a. The decedent was domiciled in this county on the decedent's date of death shown above.
b. The decedent had no domicile in this State at the time of the decedent's death, but personal property that belonged to the decedent at his or her death, which was on the date shown above, is located in this county.
2. a. No personal representative has been issued letters.
b. A personal representative has been appointed and issued letters, and it has been less than six (6) months since the personal representative was issued letters.
3. a. The surviving spouse, if any, named below is entitled to an allowance from the personal property of the decedent of the value of sixty thousand dollars (\$60,000), for a year's support, and the spouse is not barred from seeking an allowance under G.S. 31A-1 or another applicable law.*
b. The child(ren), if any, named below is/are entitled to an allowance of ten thousand dollars (\$10,000) for a year's support, and the child(ren) is/are not barred from seeking an allowance under G.S. Chapter 31A or other applicable law.*
4. I request assignment of
Sixty thousand dollars (\$60,000) from the funds or other personal property of the decedent for a year's support to the surviving spouse.
Ten thousand dollars (\$10,000) from the funds or other personal property of the decedent for a year's support to each child named below.

SPOUSE* ENTITLED TO ALLOWANCE

Full Name

Complete Address (including zip code)

CHILD(REN)* ENTITLED TO ALLOWANCE

Full Name

Age of Child at Decedent's Death

Complete Address (including zip code)

*NOTE: The right of the surviving spouse to file a claim for an allowance must be exercised during the lifetime of the surviving spouse (i) by the surviving spouse, (ii) by the surviving spouse's agent under a durable power of attorney, or (iii), with approval of the court, by the guardian of the surviving spouse's estate or general guardian. The spouse's allowance takes priority over any child's allowance.

The right of a child to file a claim for an allowance must be exercised during the lifetime of the child. Every child of a decedent who is under the age of 21 years at the time of the decedent's death, including an adopted child or a child in utero, and every child who is under the age of 21 years at the time of the decedent's death with whom the decedent stood in loco parentis at the time of death is entitled to an allowance. The person entitled to file a petition on behalf of the child for a child's allowance shall be in the following order of priority: (1) The general guardian or guardian of the estate of the child, if any. (2) The surviving parent of the child if the child resides with the surviving parent. (3) The person with whom the child resides. If the clerk of superior court determines that no person entitled to file a petition pursuant to this subsection is a fit or suitable individual, the clerk, upon the clerk's own motion, may appoint another individual if the clerk determines that individual better represents the best interests of the child as the representative. A child's allowance shall only be awarded after the full spouse's allowance under G.S. 30-15 has been awarded.

Name And Address Of Petitioner (type or print)

- Spouse Of Decedent
Surviving Spouse's Agent Under A Durable Power Of Attorney
Guardian Of The Estate Or General Guardian
Other:

Original-File Copy-Petitioner Copy-Personal Representative Appointed For Estate

VERIFICATION

I, the undersigned petitioner, have read this Petition and state that its contents are true to my own knowledge except those matters stated on information and belief, which I believe are true.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

Date

Signature Of Person Authorized To Administer Oaths

Signature Of Petitioner

Deputy CSC Assistant CSC Clerk Of Superior Court

Notary

Date My Commission Expires

SEAL

County Where Notarized

NOTE TO PETITIONER: *If a personal representative has been appointed for the decedent's estate, a copy of the verified petition must be personally delivered or sent by first-class mail by the petitioner to the personal representative.*

