

# 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, except if a surviving spouse fails to file a petition for an allowance within six months after the decedent's death and an eligible person files a petition for a child's allowance before the spouse files a petition for an allowance, then the spouse's priority to receive the allowance prior to the child named in the petition is waived and the clerk may proceed to assign the full child's allowance to the eligible child in the petition. If a petition for the spousal allowance is filed jointly with a petition for a child's allowance, the spouse retains the right to receive the allowance prior to the eligible child named in the petition. This waiver does not affect the spouse's right to an allowance, only the spouse's priority to receive an allowance 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 child, if the child is at least 18 years old or an emancipated minor at the time of the filing of the petition. (2) The general guardian or guardian of the estate of the child, if any. (3) The surviving parent of the child if the child resides with the surviving parent. (4) 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.

Name And Address Of Petitioner (type or print)

- ☐ Spouse Of Decedent  
☐ Surviving Spouse's Agent Under A Durable Power Of Attorney  
☐ Child Of Decedent (if over 18 or an emancipated minor)  
☐ 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.			
<b>SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME</b>		Date	
Date	Signature Of Person Authorized To Administer Oaths		Signature Of Petitioner
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court			
<input type="checkbox"/> Notary	Date My Commission Expires		
<b>SEAL</b>	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.*

