

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 272

Short Title: Allow Interim Dist. Awards/ED.

(Public)

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Sponsors: Representatives Hackney, Alexander, Braswell, Decker, Easterling, McAllister; Cummings, Gardner, Luebke, Russell, and Wood.

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Referred to: Judiciary II.

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February 23, 1995

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW INTERIM DISTRIBUTIVE AWARDS IN EQUITABLE  
2 DISTRIBUTION CASES, AS RECOMMENDED BY THE LRC STUDY  
3 COMMITTEE ON FAMILY ISSUES.  
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 50-20(i1) reads as rewritten:

7 "(i1) After an action for equitable distribution has been filed the ~~Court~~court may, for  
8 just cause, order the spouse in control of marital assets to make a cash payment to the  
9 other spouse or to transfer the use and possession of some or all of ~~those~~ the marital assets  
10 to the other ~~spouse~~ spouse, provided that any and all payments so made or assets so  
11 transferred ~~shall be~~ are subject to a full accounting when the property is ultimately  
12 allocated in an equitable distribution judgment. When the court orders a payment to be  
13 made or an asset to be transferred under this subsection, the court shall make a  
14 preliminary finding that assets of similar value are likely to be distributed at trial to the  
15 spouse receiving the asset or cash payment. Any ~~property~~ transfer made ~~pursuant to~~ under  
16 this subsection shall be made without prejudice to the rights of either spouse to claim a  
17 contrary classification, value, or distribution in the final equitable distribution trial."

1           Sec. 2. This act becomes effective October 1, 1995, and applies to all equitable  
2 distribution actions filed on or after that date. This act shall not apply to equitable  
3 distribution claims pending on the date of ratification.