

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

HOUSE BILL 763
RATIFIED BILL

AN ACT AMENDING THE LAWS PERTAINING TO CONTRACTS BETWEEN A HUSBAND AND WIFE TO ALLOW A SPOUSE TO WAIVE OR ESTABLISH ALIMONY AND POST SEPARATION SUPPORT DURING THE MARRIAGE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 52-10 is amended by adding the following new subsection to read:

"(a1) A contract between a husband and wife made, with or without a valuable consideration, during a period of separation to waive, release, or establish rights and obligations to post separation support, alimony, or spousal support is valid and not inconsistent with public policy. A provision waiving, releasing, or establishing rights and obligations to post separation support, alimony, or spousal support shall remain valid following a period of reconciliation and subsequent separation, if the contract satisfies all of the following requirements:

- (1) The contract is in writing.
- (2) The provision waiving the rights or obligations is clearly stated in the contract.
- (3) The contract was acknowledged by both parties before a certifying officer.

A release made pursuant to this subsection may be pleaded in bar of any action or proceeding for the recovery of the rights released."

SECTION 2. G.S. 50-16.6(b) reads as rewritten:

"(b) Alimony, postseparation support, and counsel fees may be barred by an express provision of a valid separation agreement or premarital agreement agreement, premarital agreement, or marital contract made pursuant to G.S. 52-10(a1) so long as the agreement is performed."

SECTION 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 13th day of June, 2013.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

Pat McCrory
Governor

Approved _____ .m. this _____ day of _____, 2013

