

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 458
SENATE BILL 208

AN ACT TO AMEND G.S. 31-33 TO ALLOW NONRESIDENT PARTIES INTERESTED
IN THE CAVEAT OF A WILL TO BE SERVED BY REGISTERED MAIL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 31-33 is hereby rewritten to read as follows:

"§ 31-33. **Bond given and cause transferred to trial docket.** — When a caveator shall have given bond with surety approved by the clerk, in the sum of two hundred dollars (\$200.00), payable to the propounder of the will, conditioned upon the payment of all costs which shall be adjudged against such caveator in the superior court or when a caveator shall have deposited money or given a mortgage in lieu of such bond, or shall have filed affidavits and satisfied the clerk of his inability to give such bond or otherwise secure such costs, the clerk shall transfer the cause to the superior court for trial. Such caveator shall cause notice of the caveat proceeding to be given to all devisees, legatees, or other persons in interest in the manner provided for service of process by G.S. 1A-1, Rule 4(j) and (k). The notice shall advise such devisees, legatees, or other persons in interest, of the session of superior court to which the proceeding has been transferred and shall call upon them to appear and make themselves proper parties to the proceeding if they so choose. At the session of court to which such proceeding is transferred, or as soon thereafter as motion to that effect shall be made by the propounder, and before trial, the judge shall require any of the devisees, legatees or other persons in interest so cited, either those who make themselves parties with the caveators or whose interests appear to him antagonistic to that of the propounders of the will, to align themselves and to file bond within such time as he shall direct and before trial. Upon the failure of any party to file such bond, the judge shall dismiss that party from the proceeding but that party shall be bound by the proceeding."

Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. This act shall become effective on and after October 1, 1973.

In the General Assembly read three times and ratified, this the 11th day of May,
1973.