

# **NORTH CAROLINA PROBATE DEADLINES & TIMELINES**

TYPE OF FILING	DEADLINES	NC General Statutes
Notice to transfer estate proceeding brought pursuant to G.S. 28A-2-4(a)(4)	Within 30 days after moving party served with copy of pleading requesting relief	28A-2-6(h)
Appeal of estate proceeding	As provided in G.S. 1-301.3 (within 10 days of entry of order or judgment)	28A-2-9(a)
Appeal in special proceeding	As provided in G.S. 1-301.2 (within 10 days of entry of order or judgment)	28A-2-9(b)
Application to have will admitted to probate by devisee or interested person	No sooner than 60 days after death of testator, and upon 10 days notice to executor named in will who has failed to have will proved	28A-2A-2
Probate of nuncupative will	No later than 6 months from time made unless reduced to writing within 10 days after made	28A-2A-10
Petition for order of renunciation by executor	30 days after failure to qualify or renounce after admission of will to probate	28A-5-1(b)
Petition for order of renunciation of right to administer	30 days after death of decedent when person entitled to apply for letters of administration fails to apply	28A-5-2(b)
Nomination of person to serve as personal representative by renouncing person	At same time as express renunciation of person's prior right to apply for letters of administration	28A-5-2(c)
Notice of application for letters	15 days prior to written notice of application when applicant is not entitled to priority of appointment	28A-6-2
Hearing on petition for resignation of personal representative	Not sooner than 10 days nor later than 20 days after notice to interested persons	28A-10-4
Application for letters by public administrator	Upon attention that 6 months has elapsed from death of decedent who died owning property and no letters have been applied for or issued	28A-12-4
Notice to Creditors	Within 75 days after granting of letters to known and reasonably ascertainable creditors	28A-14-1
Proof of notice to creditors	At time Inventory filed	28A-14-2
Presentation of claim arising before death	By date specified in general notice or in cases requiring delivery or mailing of notice, within 90 days after date of delivery or mailing if expiration of 90 day period is later than date specified in general notice to creditors; claims barrable if first publication or posting does not occur within 3 years after death	28A-19-3(a)
Presentation of claim arising after death based on contract with personal representative or collector	Within 6 months after date on which performance by personal representative or collector due; claims barrable if first publication or posting does not occur within 3 years after death	28A-19-3(b)

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Presentation of claim arising after death other than claim based on contract with personal representative or collector	Within 6 months after date on which claim arises; claims barrable if first publication or posting does not occur within 3 years after death	28A-19-3(b)
Petition by claimant with respect to contingent or unliquidated claim	Within 3-month period prescribed by G.S. 28A-19-16	28A-19-5
Action on rejected claim	Within 3 months after notice of rejection	28A-19-16
Inventory	Within 3 months after qualification	28A-20-1
Annual accounting	30 days after expiration of 1 year from date of qualification of personal representative or collector; if fiscal year selected, by 15 <sup>th</sup> day of 4 <sup>th</sup> month after close of fiscal year and annually on same date thereafter	28A-21-1
Final account	Within 1 year after qualifying or within 6 months after receiving state estate or inheritance tax release or in time period for filing an annual account pursuant to 28A-21-1, whichever is later	28A-21-2
Final accounting by limited personal representative	Within 30 days of later of date by which claim must be presented as set forth in general notice to creditors provided for in G.S. 28A-14-1 OR date by which action for recovery of rejected claim must be commenced under G.S. 28A-19-16	28A-21-2.2
Objection to account accompanied by permissive notice	Within 30 days after receipt of written notice	28A-21-6
Small estates - collection of property by affidavit	No sooner than 30 days after death of decedent	28A-25-1 and 1.1
Small estates – final affidavit	Within 90 days of date of filing qualifying affidavit	28A-25-3
Affidavit of landlord – removal of tangible personal property	No sooner than 10 days after death	28A-25-7
Payment of debt and delivery of property to domiciliary personal representative of nonresident decedent without ancillary administration	Any time after expiration of 60 days from death of nonresident decedent	28A-26-2
Application for issuance of ancillary letters by any person	Within 90 days after death of nonresident, or within 60 days after issue of domiciliary letters	28A-26-3
Inventory in estate of absentees in military service	Within 30 days after appointment of receiver; inventory and accounting every year thereafter within 30 days of anniversary date of appointment	28B-5
Suit against receiver in estate of absentee in military service	Within 1 year from date of discharge	28B-8
Notice of claim of succession by child born out of wedlock to estate of putative father	Within 6 months after date of first publication or posting of general notice to creditors	29-19

<b>TYPE OF FILING</b>	<b>DEADLINES</b>	<b>NC General Statutes</b>
Election of surviving spouse to take life interest in lieu of intestate share	In testate estate-within 12 months of date of death if letters not issued within that period, or within 1 month after expiration of time limit for filing claim for elective share if letters issued; in intestacy-within 12 months if letters not issued within that period, or within 1 month after expiration of time limit for filing claims against estate if letters issued	29-30
Claim for elective share	Within 6 months after issuance of letters testamentary or letters of administration	30-3.4
Submission about assets by personal representative so clerk can determine elective share	Within 2 months of filing petition to determine an elective share	30-3.4
Application for year's allowance	Within 1 year after death	30-16
Surviving spouse/guardian application to magistrate or clerk to assign allowance	Within 10 days after filing application if personal representative has not, or if no administration	30-16; 30-17(children)
Notice of appeal of assignment by magistrate or clerk	Within 10 days after assignment	30-23
Application to have year's support assigned at other amount than in 30-15 and 30-17	After date specified in general notice to creditors and within 1 year after death	30-27
Caveat	At time of application for probate of will or at any time within 3 years thereafter	31-32
Responsive pleading to caveat by aligned interested party	Within 30 days of entry of order aligning parties	31-33
Written objection to payment in caveat order of clerk	Within 10 days of service	31-36
Civil action for willful and unlawful killing	Within 90 days after final determination in criminal proceeding or within 2 years after death, whichever is later	31A-3
Renunciation of property	Not later than 9 months after date of transfer of renounced interest if no federal statute applies	31B-2
Written demand in community property	Not later than 6 months after will admitted to probate, OR not later than 6 months after appointment of administrator, OR not later than 6 months after decedent's death if property in trust	31C-6