

PETITION AND ASSIGNMENT YEAR'S ALLOWANCE

(for dates of death on or after 3/1/2024)

[N.C.G.S. 30-15, 30-16, 30-17, 30-21]

This packet contains the following forms:

- Petition and Assignment Year's Allowance (AOC-E-100)
- Marriage Affidavit
- Family History Affidavit

➤ NOTE: Additional forms may be required to begin the qualification process and will be determined based upon the circumstances.

READ FORMS CAREFULLY AS THEY CONTAIN INSTRUCTIONS AND INFORMATION NECESSARY IN THIS PROCESS.

ONLINE RESOURCES

- General Information about the [Estate Administration Process](http://bit.ly/estatesinfo) (bit.ly/estatesinfo)
- Estates Division YouTube [Video Tutorials](http://bit.ly/estatesvideo) (bit.ly/estatesvideo)
- Estates Division Appointment Calendar [\[Click here\]](http://bit.ly/estatescalendar) (bit.ly/estatescalendar) to view availability and reserve an appointment.]

THE YEAR'S ALLOWANCE IS AVAILABLE IN THE FOLLOWING SITUATIONS...

- The decedent lived in North Carolina and left a surviving spouse or eligible child
- The decedent has personal property located in North Carolina and the surviving spouse is a North Carolina resident.

This filing *cannot* be used when:

- The decedent left no spouse and no child who would be eligible for the Allowance

⊛ STEPS FOR PROCESSING...

The following items *must be presented* to the Court for filing:

1. Petition and Assignment Year's Allowance* (AOC-E-100)
2. Marriage Affidavit*
3. Family History Affidavit*
4. Supporting documents for the decedent's personal property
5. Original Will (if one exists)
6. Death Certificate
7. Filing fee: \$20 plus a \$3 certified copy fee per item of property to be transferred. If a will is filed, add an additional fee of \$1 plus \$0.25 for each page after the first.
(Acceptable forms of payment: Certified check or money order payable to "Clerk of Superior Court.")
PERSONAL CHECKS ARE NOT ACCEPTED

*This document must be signed in the presence of a notary.

EXPLANATION OF TERMS:

- **Decedent:** Individual who passed away
- **Applicant:** The person who is applying for a year's allowance for themselves or on the behalf of the decedent's surviving spouse or qualifying child
- **Affidavit:** A sworn or affirmed statement that has been made under oath.
- **Affiant:** The person who is making a sworn or affirmed statement under oath.
- **Personal Representative:** A person who has been appointed to administer an estate. This term may refer to an executor, an administrator, or an administrator c.t.a.
- **Probate:** The legal process in which the decedent's estate is administered.

Completed filings may be dropped off during normal business hours at:

Mecklenburg County Courthouse, 832 E. 4th Street, Charlotte NC 28202

You may also mail completed filings to:

Clerk of Superior Court, Estates Division, PO Box 37971, Charlotte NC 28237

Estates Phone Number: 704-686-0460 Estates E-Mail: mecklenburg.estates@nccourts.org

File in Mecklenburg County ONLY IF the decedent was a Mecklenburg County resident on the date of death.

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

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 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.

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 general guardian or guardian of the estate of the child, if any. (2) The surviving parent of the child if the child resides with the surviving parent. (3) 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. A child's allowance shall only be awarded after the full spouse's allowance under G.S. 30-15 has been awarded.

Name And Address Of Petitioner (type or print)

- Spouse Of Decedent
 Surviving Spouse's Agent Under A Durable Power Of Attorney
 Guardian Of The Estate Or General Guardian
 Other: _____

Original-File Copy-Petitioner Copy-Personal Representative Appointed For Estate

(Over)

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.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME		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	
SEAL	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.*

STATE OF NORTH CAROLINA

File No.

Mecklenburg County

In The General Court Of Justice
Superior Court Division
Before The Clerk

IN THE MATTER OF THE ESTATE OF:

Name Of Decedent

Name, Street Address, PO Box, City, State and Zip Code of Affiant

Telephone No.

Legal Residence (County, State)

FAMILY HISTORY AFFIDAVIT

INTERROGATORIES ABOUT DECEDENT AND FAMILY

Relationship

1. Marital Status: Married Widowed Divorced Never Married

a. If Married/Widowed/Divorced:

Name of Spouse: _____

Date of Marriage: _____

Date of Divorce (or death): _____

b. Names and Addresses of children born into this marriage:

Name	Address	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

c. Is there an unborn child? Yes No

2. Did any of the children listed above die prior to the date the decedent died? Yes No

a. If yes:

Name of pre-deceased child: _____

Did the pre-deceased child have children? Yes No

If yes, names of children: _____

3. Has the decedent been married more than once? Yes No

a. If yes, name of prior spouse: _____

(Over)

b. Names and Addresses of Children Born into this marriage:

Name	Address	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. Did the decedent have any children that were born outside of marriage? Yes No

a. If yes, list names and addresses:

Name	Address	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Did the decedent leave:

- a. An adopted child? Yes No
 b. A child that has been adjudged mentally incompetent? Yes No

6. Are the parents of the decedent living? Yes No If yes, list names below.

- a. Mother: _____
 b. Father: _____

7. How many brother and sisters did the decedent have? _____

Name	Address (if known)
_____	_____
_____	_____
_____	_____

8. Did any of the siblings listed above die prior to the date the decedent died? Yes No

a. If yes:

Name of pre-deceased sibling(s): _____

Did the pre-deceased sibling(s) have children? Yes No

If yes, names of children: _____

Signature of Affiant		Date
SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME		
Date	Signature	
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk of Superior Court		
<input type="checkbox"/> Notary	Date Commission Expires	
SEAL	County Where Notarized	