

§ 36C-2-204. Venue.

In any trust proceeding, whether brought before the clerk of superior court or the Superior Court Division of the General Court of Justice, the following rules apply:

- (1) If the trustee is required to account to the clerk of superior court, venue for proceedings under G.S. 36C-2-203 involving trusts is the place where the accountings are filed.
- (2) If the trustee is not required to account to the clerk of superior court, then unless the terms of the governing instrument provide otherwise, venue for proceedings under G.S. 36C-2-203 involving trusts is either of the following:
 - a. In the case of an inter vivos trust, in any county of this State in which the trust has its principal place of administration or where any beneficiary resides.
 - b. In the case of a testamentary trust, in any county of this State in which the trust has its principal place of administration, where any beneficiary resides, or in which the testator's estate was administered.
- (2a) In the case of a petition to establish the validity of a revocable trust before death pursuant to Article 4C of this Chapter, venue shall be in the county of this State in which the petitioner whose revocable trust is the subject of the petition resides.
- (3) Repealed by Session Laws 2007-106, s. 8, effective October 1, 2007.
- (4) If a trust has no trustee, venue for a judicial proceeding for the appointment of a trustee is in any county of this State in which a beneficiary resides, in any county in which trust property is located, in the county of this State specified in the trust instrument, if any county is so specified, or in the case of a testamentary trust, in the county in which the decedent's estate was or is being administered.
- (5) An objection to improper venue in a trust proceeding shall be subject to the following:
 - a. For a trust proceeding before the clerk of superior court, objection must be made as part of a timely served response to the complaint or petition or, if no response is filed, within 20 days after service of the complaint or petition, including any extensions of time pursuant to G.S. 36C-2-205(d).
 - b. For a trust proceeding before the Superior Court Division of the General Court of Justice, objection shall be governed by the Rules of Civil Procedure.
- (6) The validity of a trust proceeding shall not be affected by any error in venue. (2001-413, s. 1; 2003-261, s. 2; 2005-192, s. 2; 2007-106, s. 8; 2021-53, ss. 1.2, 3.1.)