

SUPREME COURT OF NORTH CAROLINA

Helen Locust, Individually, and as Administratrix of the Estate of
Lester R. Tyson v. Pitt County Memorial Hospital, Inc., James M.
Galloway, M.D., Linda G. Monteith, M.D., and Pitt Family
Physicians, 358 N.C. 113

591 S.E.2d 543 (2004) · No. No. 643A02 · Decided February 6, 2004

SUMMARY

The Supreme Court of North Carolina held that a spouse who had wilfully abandoned the decedent and was living apart at the time of death was barred under Chapter 31A from inheriting under the Intestate Succession Act. Accordingly, the decedent's siblings were potential beneficiaries of wrongful-death proceeds and had standing to pursue the action through the estate's administratrix. The court reversed and remanded the Court of Appeals' decision affirming summary judgment for the defendants.

CASE DETAILS

COURT	Supreme Court of North Carolina
WRITING FOR THE COURT	Lake, Chief Justice
JURISDICTION	North Carolina
DECIDED	February 6, 2004
DOCKET	No. 643A02
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the Court of Appeals' affirmance of summary judgment for defendants in a wrongful-death action.
STANDARD OF REVIEW	Summary judgment; the opinion does not expressly state the standard of review.
PRECEDENTIAL VALUE	Published North Carolina Supreme Court opinion; binding statewide precedent.
PARTIES	Helen Locust, individually and as administratrix of the Estate of Lester R. Tyson v. Pitt County Memorial Hospital, Inc., James M. Galloway, M.D., Linda G. Monteith, M.D., Pitt Family Physicians

TOPICS

wrongful death

statutory interpretation

standing

summary judgment

appellate procedure

PRACTICE AREAS

wrongful death

medical malpractice

torts

appellate procedure

QUESTIONS PRESENTED

1. Whether an administratrix who is the decedent's sister has standing to pursue a wrongful-death action when the decedent was legally married but the surviving spouse was barred from intestate succession because she had willfully abandoned the decedent and was not living with him at the time of his death.
2. Whether North Carolina's Acts Barring Property Rights statute, Chapter 31A, must be read together with the Intestate Succession Act, Chapter 29, in determining the beneficiaries of wrongful-death proceeds.

HOLDINGS

1. Chapter 31A must be read together with Chapter 29 as modifying the Intestate Succession Act for purposes of determining who is entitled to wrongful-death proceeds.
2. Because the decedent's abandoning wife was barred from inheriting, the decedent's brothers and sisters were the proper beneficiaries of any wrongful-death recovery, and Locust had standing as a beneficiary and as administratrix to pursue the action.

KEY QUOTATIONS

"As an appropriate beneficiary of any potential wrongful death recovery and as administratrix of decedent's estate, we hold that plaintiff has standing to bring the wrongful death action, and we reverse the decision of the Court of Appeals." (548)

"Chapters 31A and 29 are not mutually exclusive and are to be read together to direct the proper application of the Wrongful Death Act." (547)

FACTUAL BACKGROUND

Lester R. Tyson was hospitalized after presenting with abdominal pain and nausea, later suffered seizures and a traumatic head injury, and died from the injury on 8 June 1992. He was survived by two brothers, four sisters, and an estranged wife who had left him in 1989. Tyson's sister Helen Locust qualified as administratrix and pursued a wrongful-death action against the hospital and physicians. The wife stated that she had willfully abandoned Tyson and was not living with him at the time of his death.

PROCEDURAL HISTORY

Helen Locust, the decedent's sister and administratrix, filed a wrongful-death and survival action alleging negligence. She voluntarily dismissed the first complaint, then refiled after the decedent's estranged wife signed a statement purporting to renounce her interests in the estate and any wrongful-death action. The trial court

granted defendants summary judgment on the ground that Evans v. Diaz deprived Locust of standing, and the Court of Appeals affirmed in a split decision. The Supreme Court of North Carolina reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the Court of Appeals for further remand to the trial court for proceedings consistent with the opinion.

CASES CITED

- Evans v. Diaz, 333 N.C. 774, 430 S.E.2d 244 (1993)
- Davenport v. Patrick, 227 N.C. 686, 44 S.E.2d 203 (1947)
- Panhorst v. Panhorst, 277 N.C. 664, 178 S.E.2d 387 (1971)
- Bailey v. Bailey, 243 N.C. 412, 90 S.E.2d 696 (1956)
- McDowell v. McDowell, 243 N.C. 286, 90 S.E.2d 544 (1955)
- Blanchard v. Blanchard, 226 N.C. 152, 36 S.E.2d 919 (1946)
- Williford v. Williford, 288 N.C. 506, 219 S.E.2d 220 (1975)
- Smith v. Allied Exterminators, Inc., 279 N.C. 583, 184 S.E.2d 296 (1971)
- Carver v. Carver, 310 N.C. 669, 314 S.E.2d 739 (1984)
- In re Estate of Ives, 248 N.C. 176, 102 S.E.2d 807 (1958)
- Locust v. Pitt Cty. Mem'l Hosp., Inc., 154 N.C. App. 103, 571 S.E.2d 668 (2002)

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