

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 653
SENATE BILL 49

AN ACT TO PROVIDE FOR SERVICE OR EXECUTION OF PROCESS ON THE SHERIFF
WHERE NO PROPER OFFICER IS PRESENT.

The General Assembly of North Carolina do enact:

Section 1. G.S. 162-16 as the same appears in the 1964 Replacement Volume 3D is hereby amended by adding the following at the end thereof to read thusly:

"In those counties where the office of coroner has been abolished, or is vacant, and in which process is required to be served or executed on the sheriff, the authority to serve or execute such process shall be vested in the clerk of court; however, the clerk of court is hereby empowered to designate and direct by appropriate order some person to act in his stead to serve or execute the same."

Sec. 2. G.S. 1-313 as the same appears in the 1969 Replacement Volume 1A is hereby amended by rewriting the first unnumbered paragraph thereof to read as follows:

"Form of execution. — The execution must be directed to the sheriff, or to the coroner when the sheriff is a party to or interested in the action. In those counties where the office of coroner is abolished, or is vacant, and in which process is required to be executed on the sheriff, the authority to execute such process shall be vested in the clerk of court; however, the clerk of court is hereby empowered to designate and direct by appropriate order some person to act in his stead to execute the same. The execution must also be subscribed by the clerk of the court, and must refer to the judgment, stating the county where the judgment roll or transcript is filed, the names of the parties, the amount of the judgment, if it is for money, the amount actually due thereon, and the time of docketing in the county to which the execution is issued, and shall require the officer substantially as follows:"

Sec. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. This act shall be in full force and effect on and after October 1, 1971.

In the General Assembly read three times and ratified, this the 23rd day of June, 1971.