

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 585

Judiciary I/ Constitution Committee Substitute Adopted 5/11/95

Short Title: Expedite Execution of Judgments.

(Public)

Sponsors:

Referred to:

April 4, 1995

A BILL TO BE ENTITLED

AN ACT TO EXPEDITE EXECUTION OR JUDGMENTS AGAINST THE PROPERTY OF THE JUDGMENT DEBTOR.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-360 reads as rewritten:

"§ 1-360. Debtors of judgment debtor may be summoned.

~~After~~ Upon the issuing or return of an execution ~~unsatisfied~~ against property of the judgment debtor, or of any one of several debtors in the same judgment, and upon affidavit that any person or corporation has property of said judgment debtor, or is indebted to him in an amount exceeding ten dollars (\$10.00), the court or judge may, by order, require such person or corporation, or any officer or members thereof, to appear at a specified time and place, and answer concerning the same; provided, however, that such inquiries ~~may~~ may, in the discretion of the court, be answered by such person or corporation, or any officers or members thereof, by verified answers to interrogatories. The court or judge may also, in its or his discretion, require notice of the proceeding to be given to any party to the action, in such manner as seems proper."

Sec. 2. G.S. 1-360.1 reads as rewritten:

"§ 1-360.1. Execution on the property of debtors of judgment debtor.

1       ~~After the return of an execution unsatisfied against property of the judgment debtor,~~  
2 ~~or of any one of several debtors in the same judgment, and after~~ After the clerk of  
3 superior court determines to the clerk's satisfaction that the debtor of the judgment debtor  
4 acknowledged at a proceeding conducted pursuant to G.S. 1-360 that he is in possession  
5 of unencumbered property of such judgment debtor or is indebted to him in an amount  
6 exceeding ten dollars (\$10.00), an execution shall issue against the property or debt of the  
7 judgment debtor that the debtor of the judgment debtor acknowledged he holds."

8           Sec. 3. This act becomes effective October 1, 1995, and applies to judgments  
9 entered on or after that date.