

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 1361

Short Title: Homeowner Association Attorneys' Fees.

(Public)

Sponsors: Representative Stam.

Referred to: Judiciary I.

April 21, 2005

1 A BILL TO BE ENTITLED  
2 AN ACT TO DEFINE REASONABLE ATTORNEYS' FEES UNDER THE NORTH  
3 CAROLINA CONDOMINIUM ACT AND THE NORTH CAROLINA PLANNED  
4 COMMUNITY ACT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 47C-3-116(e) reads as rewritten:

7 "(e) A judgment, decree or order in any action brought under this section must  
8 include costs and may include reasonable attorney's fees for the prevailing ~~party-party~~ party in  
9 an amount not to exceed the amount in controversy. The amount in controversy means  
10 the principal obligation due at the time of the filing of the proceeding together with  
11 interest on the principal amount actually accrued through the date of the order or  
12 judgment."

13 **SECTION 2.** G.S. 47C-4-117 reads as rewritten:

14 "**§ 47C-4-117. Effect of violations on rights of action; attorney's fees.**

15 If a declarant or any other person subject to this chapter fails to comply with any  
16 provision hereof or any provision of the declaration or bylaws, any person or class of  
17 person adversely affected by that failure has a claim for appropriate relief. ~~The~~ Except  
18 as otherwise provided for in G.S. 47C-3-116(e), the court may award reasonable  
19 attorney's fees to the prevailing party."

20 **SECTION 3.** G.S. 47F-3-116(e) reads as rewritten:

21 "(e) A judgment, decree, or order in any action brought under this section shall  
22 include costs and may include reasonable attorneys' fees for the prevailing ~~party-party~~ party in  
23 an amount not to exceed the amount in controversy. The amount in controversy means  
24 the principal obligation due at the time of the filing of the proceeding together with  
25 interest on the principal amount actually accrued through the date of the order or  
26 judgment."

27 **SECTION 4.** This act becomes effective October 1, 2005, and applies to  
28 actions filed on or after that date.