

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 789*

Short Title: File Lis Pendens for Certain Erosion Actions. (Public)

Sponsors: Representatives Hall, Luebke, Michaux, and Wilkins (Primary Sponsors).

Referred to: Environment and Natural Resources, if favorable, Judiciary I.

March 26, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE FILING OF NOTICE OF PENDING LITIGATION FOR
3 ACTIONS SEEKING INJUNCTIVE RELIEF REGARDING SEDIMENTATION AND
4 EROSION CONTROL FOR ANY LAND-DISTURBING ACTIVITY THAT IS SUBJECT
5 TO THE REQUIREMENTS OF ARTICLE 4 OF CHAPTER 113A OF THE GENERAL
6 STATUTES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 1-116(a) reads as rewritten:

9 "(a) Any person desiring the benefit of constructive notice of pending litigation must file
10 a separate, independent notice thereof, which notice shall be cross-indexed in accordance with
11 G.S. 1-117, in all of the following cases:

- 12 (1) Actions affecting title to real ~~property;~~property.
13 (2) Actions to foreclose any mortgage or deed of trust or to enforce any lien on
14 real ~~property;~~ and property.
15 (3) Actions in which any order of attachment is issued and real property is
16 attached.
17 (4) Actions seeking injunctive relief under G.S. 113A-64.1 or G.S. 113A-65
18 regarding sedimentation and erosion control for any land-disturbing activity
19 that is subject to the requirements of Article 4 of Chapter 113A of the
20 General Statutes."

21 **SECTION 2.** This act becomes effective October 1, 2009, and applies to actions
22 filed on or after that date.

