

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H.B. 404  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40241-MQ-57A (03/07)

Short Title: Debts to Judgment Debtors/Pay to Sheriff. (Public)

Sponsors: Representatives Ford and McNeill (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE SOME OR ALL OF CERTAIN PAYMENTS TO JUDGMENT  
3 DEBTORS AGAINST WHOSE PROPERTY AN EXECUTION HAS BEEN ISSUED TO  
4 BE MADE TO THE SHERIFF RATHER THAN TO THE JUDGMENT DEBTOR.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 1-359 reads as rewritten:

7 "§ 1-359. Debtors of judgment debtor ~~may~~ shall satisfy execution.

8 (a) After the issuing of an execution against ~~property,~~ property and the presentation of a  
9 copy of that execution by the sheriff, all persons indebted to the judgment debtor, or to any one  
10 of several debtors in the same judgment, ~~may pay~~ who make a payment on that debt, shall make  
11 as much of that payment as is necessary to satisfy the execution to the sheriff ~~the amount of~~  
12 ~~their debt, or as much thereof as is necessary to satisfy the execution; and~~ rather than to the  
13 judgment debtor. The sheriff's receipt is a sufficient discharge for the amount paid of the  
14 debtor's obligation to the judgment debtor for the amount paid. Failure to make payment to the  
15 sheriff shall not be a violation of this section where the person making payment did not have  
16 knowledge of the execution and no demand for payment of the execution was made by the  
17 sheriff. Payment of the amount owed to the judgment debtor by the person indebted to the  
18 judgment debtor after receiving a demand for payment from the sheriff under the execution  
19 shall subject the person indebted to a penalty in the amount of either the full amount due on the  
20 judgment and execution or the amount paid on the debt to the judgment debtor, whichever is  
21 less. This penalty shall be applied to the satisfaction of the judgment and execution under  
22 which the demand for payment was made.

23 ...."

24 SECTION 2. G.S. 162-16 reads as rewritten:

25 "§ 162-16. Execute summons, order or judgment.

26 (a) Whenever the sheriff may be required to serve or execute any summons, order or  
27 judgment, or to do any other act, he shall be bound to do so in like manner as upon process  
28 issued to him, and shall be equally liable in all respects for neglect of duty; and if the sheriff be  
29 a party, the coroner shall be bound to perform the service, as he is now bound to execute  
30 process where the sheriff is a party; and this Chapter relating to sheriffs shall apply to coroners  
31 when the sheriff is a party. Sheriffs and coroners may return process by mail. Their liabilities in  
32 respect to the execution of process shall be as prescribed by law.

33 (b) Nothing in this section shall require a sheriff, or coroner, to execute a judgment  
34 where the sheriff, or coroner, has knowledge that the property to be sold to satisfy the judgment  
35 is exempt from execution under Article 16 of Chapter 1C of the General Statutes and has been  
36 so notated on the writ of execution.



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

6               **SECTION 3.** This act becomes effective October 1, 2017.