

§ 1-339.58. Postponement of sale.

(a) The sheriff may postpone the sale to a day certain not later than 90 days after the original date for the sale if any of the following occurs:

- (1) There are no bidders.
- (2) In the sheriff's judgment, the number of prospective bidders at the sale is substantially decreased by inclement weather or by any casualty.
- (3) There are so many other sales advertised to be held at the same time and place as to make it inexpedient and impracticable, in the sheriff's judgment, to hold the sale on that day.
- (4) The sheriff is unable to hold the sale because of illness or for other good reason.
- (5) Other good cause exists.

The sheriff may postpone the sale more than once whenever any of these conditions are met, so long as the sale is held not later than 90 days after the original date for the sale, as computed pursuant to G.S. 1A-1, Rule 6.

(b) Upon each postponement of the sale, the sheriff shall do all of the following:

- (1) At the time and place advertised for the sale, publicly announce the postponement of the sale.
- (2) On the same day, attach to or enter on the notice of sale, posted as provided by G.S. 1-339.52 in the case of real property or G.S. 1-339.53 in the case of personal property, a notice of the postponement.
- (3) Give written or oral notice of postponement to the judgment debtor. Written notice of postponement shall be served in any manner provided in G.S. 1A-1, Rule 5(b).

(c) The posted notice of postponement shall be signed by the sheriff and shall state the following:

- (1) That the sale is postponed.
- (2) The hour and date to which the sale is postponed.
- (3) The reason for the postponement.
- (4) Repealed by Session Laws 2022-60, s. 2(b), effective October 1, 2022, and applicable to sales noticed on or after that date.

(d) If a sale is not held at the time fixed for the sale and is not postponed as provided by this section, the sheriff shall report these facts to the clerk of the superior court, who shall order the time and place of the sale of the property and the manner and length of time for the notice of the sale. Nothing in this section relieves the sheriff of liability for the nonperformance of the sheriff's official duty. (1949, c. 719, s. 1; 2001-271, s. 13; 2022-60, s. 2(b).)