

NORTH CAROLINA GENERAL ASSEMBLY
1965 SESSION

CHAPTER 699
HOUSE BILL 116

1 AN ACT TO ESTABLISH THE PROCEDURE FOR MAKING A TENDER.

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3 The General Assembly of North Carolina do enact:

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5 **Section 1.** Subchapter XV of Chapter 1 of the General Statutes is hereby amended
6 by adding a new Article thereto to be designated Article 44A, entitled "Tender", and to read as
7 follows:

8 "Article 44A

9 "Tender

10 "§ 1-543.1. **Tender.** In all matters in which it is proper or necessary to make or serve a tender,
11 the Clerk of the Superior Court in the county in which the tender is to be made shall, upon
12 request of the tendering party, direct the sheriff of said county to serve an Order of Tender,
13 together with the property to be tendered, upon the party or parties upon whom said tender is to
14 be made. In the event said property is incapable of being manually tendered, said Order of
15 Tender shall so state and service of said Order tendering same shall have the same legal effect
16 as if the property had been manually tendered. Within five days after receipt of the Order, the
17 sheriff shall make his return thereon, showing upon whom the same was served, the date and
18 hour of service, the property tendered, and whether or not said tender was accepted, or that,
19 after due diligence, the party or parties upon whom service was to be made could not be found
20 within the county. He shall then return said Order of Tender to the Clerk who issued it, and this
21 shall constitute proper tender. Nothing in this Section shall be construed to prevent other
22 methods of tender or tender by any party to an action in open court upon any other party to said
23 action."

24 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

25 **Sec. 3.** This Act shall become effective upon its ratification.

26 In the General Assembly read three times and ratified, this the 26th day of May,
27 1965.