

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 426
SENATE BILL 696

AN ACT TO REQUIRE EXECUTION UPON THE PROPERTY OF A DEBTOR OF
A JUDGMENT DEBTOR WHEN THE EXECUTION AGAINST THE
PROPERTY OF THE JUDGMENT DEBTOR IS RETURNED UNSATISFIED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-360 reads as rewritten:

"§ 1-360. Debtors of judgment ~~debtor~~, debtor may be summoned.

After the ~~issuing or~~ return of an execution unsatisfied against property of the judgment debtor, or of any one of several debtors in the same judgment, and upon affidavit that any person or corporation has property of said judgment debtor, or is indebted to him in an amount exceeding ten dollars (\$10.00), the court or judge may, by order, require such person or corporation, or any officer or members thereof, to appear at a specified time and place, and answer concerning the same; provided, however, that such inquiries may be answered by such person or corporation, or any officers or members thereof, by verified answers to interrogatories. The court or judge may also, in its or his discretion, require notice of the proceeding to be given to any party to the action, in such manner as seems proper."

Sec. 2. Article 31 of Subchapter X of Chapter 1 of the General Statutes is amended by adding a new section to read:

"§ 1-360.1. Execution on the property of debtors of judgment debtor.

After the return of an execution unsatisfied against property of the judgment debtor, or of any one of several debtors in the same judgment, and after the clerk of superior court determines to the clerk's satisfaction that the debtor of the judgment debtor acknowledged at a proceeding conducted pursuant to G.S. 1-360 that he is in possession of unencumbered property of such judgment debtor or is indebted to him in an amount exceeding ten dollars (\$10.00), an execution shall issue against the property or debt of the judgment debtor that the debtor of the judgment debtor acknowledged he holds."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 27th day of June, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives