

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 257
SENATE BILL 585

AN ACT TO EXPEDITE EXECUTION OR JUDGMENTS AGAINST THE
PROPERTY OF THE JUDGMENT DEBTOR.

The General Assembly of North Carolina enacts:

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

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

~~After~~ Upon 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~~ may, in the discretion of the court, 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. G.S. 1-360.1 reads as rewritten:

"§ 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~~ 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 becomes effective October 1, 1995, and applies to judgments entered on or after that date.

In the General Assembly read three times and ratified this the 15th day of June, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives