

**§ 1-440.5. By whom order issued; when and where; filing of bond and affidavit.**

- (a) An order of attachment may be issued by
  - (1) The clerk of the court in which the action has been, or is being, commenced, or by
  - (2) A judge of the appropriate trial division, as authorized in subsection (b) of this section.
- (b) An order of attachment issued by a judge may be issued as follows:
  - (1) If the action has been or is being commenced in the Superior Court Division, a resident superior court judge of the district, or a judge regularly holding the superior courts of the district, may issue the order in open court or in chambers, in session or in vacation, and within or without the district. Any other judge holding a session of superior court in the county may issue the order in open court.
  - (2) If the action has been or is being commenced in the District Court Division, the presiding judge, the chief district judge, or any district judge authorized by the chief to hear motions and enter interlocutory orders may issue the order in open court or in chambers in session or in vacation.
- (c) In those cases where the order of attachment is issued by the judge, such judge shall cause the bond required by G.S. 1-440.10 and the affidavit required by G.S. 1-440.11 to be filed promptly with the clerk of the court of the county in which the action is pending. (1947, c. 693, s. 1; 1971, c. 268, s. 30.)