

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 462
HOUSE BILL 579

1 AN ACT TO AMEND G.S. 1-478 RELATING TO DEFENDANT'S UNDERTAKING FOR
2 REPLEVY UNDER CLAIM AND DELIVERY.

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4 The General Assembly of North Carolina do enact:

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6 **Section 1.** G.S. 1-478 is hereby amended by rewriting the first sentence thereof to
7 read as follows:

8 "At any time before the delivery of the property to the plaintiff, the defendant may, if he
9 does not except to the sureties of the plaintiff, require the return thereof, upon giving to the
10 sheriff a written undertaking, payable to the plaintiff, executed by one or more sufficient
11 sureties, to the effect that they are bound in double the value of the property, as stated in the
12 affidavit of the plaintiff, for the delivery thereof to the plaintiff, with damages, not less than the
13 difference in value of the property at the time of the execution of the undertaking and the value
14 of the property at the time of its delivery to the plaintiff, together with damages for detention
15 and the costs, if delivery can be had, and if delivery cannot be had, for the payment to him of
16 such sum as may be recovered against the defendant for the value of the property at the time of
17 the wrongful taking or detention, with interest thereon, as damages for such taking and
18 detention, together with the costs of the action."

19 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

20 **Sec. 3.** This Act shall be in full force and effect from and after its ratification.

21 In the General Assembly read three times and ratified, this the 19th day of May,
22 1961.