

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 810  
HOUSE BILL 897

1 AN ACT TO ALLOW COUNTERCLAIM IN A SUIT ON A SEALED CONTRACT AND  
2 TO PROVIDE FOR ADDITIONAL THIRD PARTY DEFENDANTS IN CERTAIN  
3 CIRCUMSTANCES.  
4

5 The General Assembly of North Carolina do enact:  
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7 **Section 1.** G.S. Sec. 1-47(2) is hereby amended by adding at the end the following  
8 sentences:

9 "Provided, however, that if action on a sealed instrument is filed, the defendant or  
10 defendants in such action may file a counterclaim arising out of the same transaction or  
11 transactions as are the subject of plaintiffs claim, although a shorter statute of limitations would  
12 otherwise apply to defendant's counterclaim. Such counter- claim may be filed against such  
13 parties as provided in G.S. Sec. 1A-1, Rules of Civil Procedure."  
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15 **Sec. 2.** G.S. Sec. 1A-1, Rule 14(a) is hereby amended by adding a new paragraph at  
16 the end as follows:

17 "Where the normal statute of limitations period in an action arising on a contract is  
18 extended as provided in G.S. Sec. 1-47(2) or in any action arising on a contract or promissory  
19 note, upon motion of the defendant the court may order to be made parties additional  
20 defendants, including any party of whom the plaintiff is a subrogee, assignee, third party  
21 beneficiary, endorsee, agent or transferee, or such other person as has received the benefit of  
22 the contract by transfer of interest."

23 It is the purpose of this Section to insure that if a suit may be maintained on a contract  
24 against one contracting party, the other contracting party will not be allowed to escape his  
25 contractual obligations by the passage of time or the transfer of contract rights.

26 **Sec. 3.** This Act shall be in full force and effect on and after January 1, 1970, and  
27 shall apply to actions and proceedings pending on that date as well as to actions and  
28 proceedings commenced on or after that date. This Act takes effect on the same date as Chapter  
29 954 of the Session Laws of 1967, entitled An Act to amend the laws relating to Civil  
30 Procedure. In the construction of that Act and this Act no significance shall be attached to the  
31 fact that this Act was enacted at a later date.

32 **Sec. 4.** All laws and clauses in conflict with this Act are hereby repealed.

33 In the General Assembly read three times and ratified, this the 11th day of June,  
1969.