

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1004
HOUSE BILL 1745

AN ACT TO ESTABLISH A LIEN AND PROVIDE FOR THE USE OF
ATTACHMENT AND GARNISHMENT FOR COLLECTION OF SOLID WASTE
COLLECTION SERVICE CHARGES IN GUILFORD COUNTY.

The General Assembly of North Carolina enacts:

Section 1. There is hereby created a general lien upon the real property which has been furnished solid waste collection service by Guilford County or at the expense of Guilford County or by any one under contract with Guilford County.

Sec. 2. Whenever solid waste collection service is provided by Guilford County or at the expense of Guilford County or by any one under contract with Guilford County, and the recipient of such services fails to pay the charges fixed for such services for a period of 90 days after the rendering of such services, Guilford County may treat the amount due for such services as if it were a tax due to the county and may proceed to collect the amount due by the use of attachment and garnishment proceedings as set forth in G.S. 105-385(d).

Sec. 3. No lien created under Section 1 shall be valid but from the time of filing in the office of the Clerk of Superior Court a statement containing the name and address of the person against whom the lien is claimed, that Guilford County is claiming such a lien, the amount of the unpaid charge for solid waste collection service and the date and place of furnishing solid waste collection services for which charges are asserted and the lien claimed. No lien under this section shall be valid unless filed after 90 days of the date of the furnishing of the solid waste collection service, and within 180 days of the date of the furnishing of solid waste collection service.

Sec. 4. Liens herein created may be discharged as follows:

(1) By filing with the Clerk of Superior Court a receipt of acknowledgment, signed by the County Treasurer, that the lien has been paid or discharged;

(2) By depositing with the Clerk of Superior Court money equal to the amount of the claim, which money shall be held for the benefit of the claimant; or

(3) By an entry on the lien docket that the action on the part of the lien claimant to enforce the lien has been dismissed, or a judgment has been rendered against the claimant in such action.

Sec. 5. Guilford County may take such action to foreclose on said lien as herein created in the same manner as is provided for the foreclosure of the lien on real estate for ad valorem taxes.

Sec. 6. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1974.