

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 66
SENATE BILL 79

AN ACT TO CONFORM THE PROVISIONS OF GENERAL STATUTES CHAPTER 1, ARTICLE 37 (INJUNCTIONS) TO THE JURISDICTIONAL PROVISIONS OF THE JUDICIAL DEPARTMENT ACT OF 1965, AS AMENDED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-485 is amended by inserting in line three after the words "judge of superior court" the words "or any judge of the district court authorized to hear in-chambers matters".

Sec. 2. G.S. 1-493 is rewritten to read as follows:

"All judges of the superior court and judges of the district court authorized to hear in-chambers matters have jurisdiction to grant injunctions and issue restraining orders in all civil actions and proceedings pending in their respective divisions."

Sec. 3. G.S. 1-494 is amended by adding thereto a second paragraph to read as follows:

"All restraining orders and injunctions granted by any judge of the district court shall be made returnable before the judge granting such order or injunction or before the chief district judge or a district judge authorized to hear in-chambers matters in the district where the civil action is pending, within twenty (20) days from the date of the order. If the judge before whom the matter is returned fails, for any reason, to hear the motion and application on the date set, or within ten (10) days thereafter, any district judge of the district authorized to hear in-chambers matters may hear and determine the said motion and application, after giving 10 days' notice to the parties interested in the application or motion."

Sec. 4. G.S. 1-495 is amended by inserting in line three after the word "judge" the words "of the appropriate trial division," and changing the comma after "issued" in line eight to a period and deleting all words thereafter.

Sec. 5. G.S. 1-498 is amended by inserting in the second line after the word "injunctions" the words "issued in the superior court division" and by adding a second paragraph to the end of the section to read as follows:

"Applications to extend, modify, or vacate temporary restraining orders and preliminary injunctions issued in the district court division may be heard by the district judge who made the original order or by the chief district judge or by a district judge of the district authorized to hear in-chambers matters."

Sec. 6. All laws and parts of laws in conflict with this act are repealed.

Sec. 7. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1973.