

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 991
SENATE BILL 1225

AN ACT TO REWRITE G.S. 44A-24 PERTAINING TO FALSE WRITTEN STATEMENTS
IN CONNECTION WITH IMPROVEMENT OF REAL PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. The provisions of G.S. 44A-24 as appears in Volume 2A, 1973 Cumulative Supplement, of the General Statutes of North Carolina are rewritten in their entirety to read as follows:

"§ 44A-24. **False statement a misdemeanor.** — If any contractor or other person receiving payment from an obligor for an improvement to real property or from a purchaser for a conveyance of real property with improvements shall knowingly furnish to such obligor, purchaser, or to a lender who obtains a security interest in said real property, or to a title insurance company insuring title to such real property, a false written statement of the sums due or claimed to be due for labor or material furnished at the site of improvements to such real property, then such contractor, subcontractor or other person shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment not to exceed two years or by both such fine and imprisonment in the discretion of the court. Upon conviction and in the event the court shall grant any defendant a suspended sentence, the court may in its discretion include as a condition of such suspension a provision that the defendant shall reimburse the party who suffered loss on such conditions as the court shall determine are proper.

The elements of the offense herein stated are the furnishing of the false written statement with knowledge that it is false and the subsequent or simultaneous receipt of payment from an obligor or purchaser, and in any prosecution hereunder it shall not be necessary for the State to prove that the obligor, purchaser, lender or title insurance company relied upon the false statement or that any person was injured thereby."

Sec. 2. The provisions of this act shall become effective on January 1, 1975.

In the General Assembly read three times and ratified, this the 18th day of March, 1974.