

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 883
SENATE BILL 850

AN ACT TO AMEND CHAPTER 44A OF THE GENERAL STATUTES TO REQUIRE A NOTICE OF LIS PENDENS BE FILED IN EACH COUNTY IN WHICH THE LIEN IS FILED, EXCEPT THE COUNTY IN WHICH THE ACTION ENFORCING THE LIEN IS COMMENCED, WITHIN 180 DAYS AFTER THE LAST FURNISHING OF LABOR OR MATERIALS AT THE SITE OF THE IMPROVEMENT BY THE PERSON CLAIMING THE LIEN IN ORDER TO BE ENTITLED TO THE PRIORITIES UNDER THE PROVISIONS OF G.S. 44A-14(a).

The General Assembly of North Carolina enacts:

Section 1. G.S. 44A-13 is hereby amended by adding a new subsection (c) to read as follows:

"(c) Notice of action. Unless the action enforcing the lien created by this Article is instituted in the county in which the lien is filed, in order for the sale under the provisions of G.S. 44A-14(a) to pass all title and interest of the owner to the purchaser good against all claims or interests recorded, filed or arising after the first furnishing of labor or materials at the site of the improvement by the person claiming the lien, a notice of lis pendens shall be filed in each county in which the real property subject to the lien is located within 180 days after the last furnishing of labor or materials at the site of the improvement by the person claiming the lien. It shall not be necessary to file a notice of lis pendens in the county in which the action enforcing the lien is commenced in order for the judgment entered therein and the sale declared thereby to carry with it the priorities set forth in G.S. 44A-14(a). If neither an action nor a notice of lis pendens is filed in each county in which the real property subject to the lien is located within 180 days after the last furnishing of labor or materials at the site of the improvement by the person claiming the lien, as to real property claimed to be subject to the lien in such counties where the action was neither commenced nor a notice of lis pendens filed, the judgment entered in the action enforcing the lien shall not direct a sale of the real property subject to the lien enforced thereby nor be entitled to any priority under the provisions of G.S. 44A-14(a), but shall be entitled only to those priorities accorded by law to money judgments."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1977.