

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 910
HOUSE BILL 1399

AN ACT TO AMEND THE RULES OF CIVIL PROCEDURE RELATING TO SERVICE BY
PUBLICATION IN CASES OF ATTACHMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1A-1, Rule 4(j)(9)c., as the same appears in the 1975 Cumulative Supplement to Volume 1A of the General Statutes, is hereby amended by inserting in the 15th line of the second paragraph, after "sought;" and before "(vi) be" a new item "(vi)" to read as follows:

"(vi) In cases of attachment, state the information required by G.S. 1-440.14;".

Sec. 2. G.S. 1A-1, Rule 4(j)(9)c. is hereby further amended by renumbering items "(vi)" and "(vii)" in the second paragraph as items "(vii)" and "(viii)" respectively.

Sec. 3. G.S. 1A-1, Rule 4(j)(9)b., as it appears in the 1975 Cumulative Supplement to Volume 1A, is amended by adding the following sentence:

"This affidavit together with the return receipt signed by the person who received the mail raises a rebuttable presumption that the person who received the mail and signed the receipt was an agent of the addressee authorized by appointment or by law to be served or to accept service of process or was a person of suitable age and discretion residing in the defendant's dwelling house or usual place of abode."

Sec. 4. This act shall become effective upon ratification.

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