

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 332
HOUSE BILL 448

AN ACT TO AMEND SERVICE OF PROCESS IN SUMMARY EJECTMENT
CASES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 42-29 is hereby rewritten to read as follows:

"§ 42-29. Service of summons. – The officer receiving the summons shall mail a copy of the summons and complaint to the defendant at his last known address in a stamped addressed envelope provided by the plaintiff to the action. The officer shall attempt to telephone the defendant requesting that the defendant either personally visit the officer to accept service, or schedule an appointment for the defendant to receive delivery of service from the officer. If a telephone call is not possible or is unsuccessful, the officer shall make at least one visit to the place of abode of the defendant at a time reasonably calculated to find the defendant at the place of abode to attempt personal delivery of service. He then shall deliver a copy of the summons together with a copy of the complaint to the defendant, or leave copies thereof at the defendant's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. If such service cannot be made the officer shall affix copies to some conspicuous part of the premises claimed and make due return showing compliance with this section."

Sec. 2. G.S. 42-28, as it appears in Volume 2A, 1981 Cumulative Supplement, is amended by deleting on line 4 the following punctuation and words:

"(not to exceed five days from the issuing of the summons, without the consent of the plaintiff)." and by inserting in lieu thereof the following:

"not to exceed 10 days from the issuance of the summons".

Sec. 3. G.S. 7A-217(2) is rewritten to read as follows:

"When the defendant is not under any legal disability, he may be served by registered or certified mail as provided in G.S. 1A-1, Rule 4(j). Proof of service is as provided in G.S. 1A-1, Rule 4(j2)."

Sec. 4. This act shall become effective October 1, 1983, and shall apply to process served on or after that date.

In the General Assembly read three times and ratified, this the 20th day of May, 1983.