

GENERAL ASSEMBLY OF NORTH CAROLINA  
1983 SESSION

CHAPTER 582  
HOUSE BILL 1042

AN ACT TO VALIDATE CERTAIN FORECLOSURE AND LEGAL  
ADVERTISEMENT SALES.

The General Assembly of North Carolina enacts:

Section 1. Two new sections are added to Article 2C of Chapter 45 of the General Statutes to read:

**"§ 45-21.46. Validation of foreclosure sales where posting and publication not complied with.** – In all cases of foreclosure of mortgages or deeds of trust secured by real estate pursuant to power of sale which foreclosures were commenced on or subsequent to June 6, 1975, and consummated prior to May 1, 1983, in which foreclosure sales the requirements for posting and publication of notice of sale set forth in G.S. 45-21.17 were complied with but the requirements of the mortgage or deed of trust as to posting and publication of notice of sale were not complied with, are validated, ratified and confirmed and shall be effective to pass title to real estate to the same extent as though all requirements of the mortgage or deed of trust respecting posting and publication of notice of sale were complied with; unless an action to set aside such foreclosure is commenced before January 1, 1984.

**"§ 45-21.47. Validation of foreclosure sales when trustee is officer of owner of debt.** – All sales of real property made prior to June 1, 1983, under a power of sale contained in a mortgage or deed of trust for which the trustee was an officer, director, attorney, agent, or employee of the owner of all or part of the debt secured by the mortgage or deed of trust are validated and have the same effect as if the trustee had not been an officer, director, attorney, agent, or employee of the owner of the debt unless an action to set aside the foreclosure is commenced within one year after June 1, 1983."

Sec. 2. Article 50 of Chapter 1 of the General Statutes is amended by adding a new section to read:

**"§ 1-601. Certain legal advertisements validated.** – Legal advertisements published prior to June 1, 1983, by a newspaper that met every requirement for publication of legal notices and advertisements under G.S. 1-597 when the advertisement was published except that the newspaper had a second class United States mail permit in a county adjacent to the county in which the advertisement was published instead of the county in which it was published may not be held to be invalid because of the lack of a second class United States mail permit in the proper county."

Sec. 3. This act is effective upon ratification.  
Nothing herein shall affect any pending litigation.

In the General Assembly read three times and ratified, this the 22nd day of June, 1983.