

§ 1-507.34. Notices; motions; orders.

(a) Notice of Appearance. – Any party in interest may make an appearance in a receivership by filing a written notice of appearance, including the name, mailing address, e-mail address, and telephone number of the party in interest and its attorney, if any, and by serving a copy on the receiver and the receiver's attorney, if any. It is not necessary for a party in interest to be joined as a party to be heard in the receivership. A proof of claim does not constitute a written notice of appearance.

(b) Master Service List. – In a general receivership within 30 days after the filing of the schedule described in G.S. 1-507.32, or such later time as the court may order, the general receiver shall file an initial master service list consisting of the names, mailing addresses, and, where available, e-mail addresses of the debtor, the receiver, all persons joined as parties in the receivership, all creditors and other parties in interest known by the receiver to have any kind of claim against or interest in any part of the receivership property, all persons who have filed a notice of appearance in accordance with this section, and their attorneys, if any. In a limited receivership within 30 days after the appointment of the limited receiver pursuant to G.S. 1-507.24, or such later time as the court may order, the limited receiver shall file an initial master service list consisting of the names, mailing addresses, and, where available, e-mail addresses of the debtor, the receiver, all persons joined as parties in the receivership, all creditors and other parties in interest known by the receiver to have any kind of claim against or interest in any part of the receivership property, and all persons who have filed a notice of appearance in accordance with this section, and their attorneys, if any. After the filing of the initial master service list, the receiver shall file from time to time an updated master service list when there has been a substantial number of additions or other changes thereto or when ordered by the court.

(c) Motions. – Except as otherwise provided in this Article, an order shall be sought by a motion brought in compliance with the North Carolina Rules of Civil Procedure.

(d) Persons Served and Manner of Service. – Except as otherwise provided in this Article, a motion and all other pleadings filed in the receivership subsequent to the filing of the original complaint that are required to be served shall be served as provided in Rule 5 of the North Carolina Rules of Civil Procedure, unless the court orders otherwise, on all persons on the master service list, all persons who are identified in the motion or other pleading as directly affected by the relief requested, and other persons as the court may direct.

(e) Service on State Agency. – Any request for relief against a State agency shall be served as provided in the North Carolina Rules of Civil Procedure, unless the court orders otherwise, on the specific State agency and on the Office of the Attorney General.

(f) Order Without Hearing. – Where a provision in this Article, an order issued in the receivership, or a court rule requires an objection or other response to a motion or application within a specific time, and no objection or other response is timely filed with the court, the court may grant the relief requested without a hearing.

(g) Order Upon Application. – Where a provision of this Article permits, as to administrative matters, or where it otherwise appears that no party in interest would be materially prejudiced, the court may issue an order ex parte or based on an application without a motion, notice, or hearing.

(h) Persons Bound by Orders. – Except as to persons entitled to be served pursuant to subsection (d) of this section and who were not served, an order of the court binds parties in interest and all persons who file notices of appearance, submit proofs of claim, receive written notice of the receivership, receive notice of any motion in the receivership, or who have actual knowledge of the receivership whether they are joined as parties or received notice of the specific motion or order. (2020-75, s. 1.)