

§ 1-507.38. Actions by or against receiver; actions relating to receivership property.

(a) Actions By or Against Receiver. – The receiver may sue in the receiver's capacity and, subject to other sections of this Article and all immunities provided at common law, may be sued in that capacity.

(b) Venue. – Unless the court orders otherwise, an action by or against the receiver or relating to the receivership or receivership property shall be commenced in the court in which the receivership is pending.

(c) Joinder. – Subject to G.S. 1-507.42, a limited or general receiver may be joined or substituted as a party in any action or other proceeding that relates to receivership property that was pending at the time of appointment. Subject to G.S. 1-507.42, a general receiver may be joined or substituted as a party in any action or other proceeding that was pending at the time of appointment in which the debtor is a party. Actions or proceedings pending at the time of appointment may be transferred to the court in which the receivership is pending upon the receiver's or any party's motion for change of venue made in the court in which the action or proceeding is pending, provided that such motion is filed no later than 90 days after the time of appointment.

(d) Effect of Judgments. – A judgment entered subsequent to the time of appointment against a receiver or the debtor shall not constitute a lien on receivership property, nor shall any execution issue thereon. A judgment against a limited receiver shall have the same effect as a judgment against the debtor, except that the judgment shall be enforceable against receivership property only to the extent ordered by the court. Nothing in this section shall validate a judgment that is entered in violation of the stay or stays provided for in G.S. 1-507.42. (2020-75, s. 1.)