

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE DRH70073-LM-56 (02/22)

Short Title: Summary Ejectment/Summons in Envelope.

(Public)

Sponsors: Representative Floyd.

Referred to:

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT THE SUMMONS AND COMPLAINTS IN A SUMMARY
EJECTMENT ACTION IF AFFIXED TO THE DEMISED PREMISES SHALL BE
PLACED IN AN ENVELOPE CONTAINING A WINDOW THROUGH WHICH THE
NAME AND ADDRESS OF THE TENANT ARE DISPLAYED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 42-29 reads as rewritten:

"§ 42-29. **Service of summons.**

The officer receiving the summons shall mail a copy of the summons and complaint to the defendant no later than the end of the next business day or as soon as practicable at the defendant's last known address in a stamped addressed envelope provided by the plaintiff to the action. The officer may, within five days of the issuance of the summons, 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 the officer does not attempt to telephone the defendant or the attempt is unsuccessful or does not result in service to the defendant, the officer shall make at least one visit to the place of abode of the defendant within five days of the issuance of the summons, but at least two days prior to the day the defendant is required to appear to answer the complaint, excluding legal holidays, 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~~made, the officer shall affix copies, which shall be placed in an envelope containing a window through which the name and address of the tenant are displayed, to some conspicuous part of the premises claimed and make due return showing compliance with this section. The plaintiff to the action shall provide the windowed envelopes, which shall be 4 1/8" x 9 1/2" in size, and the Administrative Office of the Courts shall make adjustments, as necessary, to the forms for summonses and complaints to ensure that the name and address of the tenant are displayed as provided in this section."

SECTION 2. This act becomes effective October 1, 2011, and applies to summonses and complaints affixed to demised premises on or after that date.



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