

NORTH CAROLINA GENERAL ASSEMBLY  
1971 SESSION

CHAPTER 544  
HOUSE BILL 293

AN ACT TO AMEND G.S. 44A-2 TO PROVIDE FOR LESSOR'S LIENS ON THE PERSONAL PROPERTY OF TENANTS AND TO AMEND G.S. 44A-5 TO PROVIDE FOR DISPOSITION OF UNCLAIMED PROCEEDS OF SALES.

The General Assembly of North Carolina do enact:

**Section 1.** G.S. 44A-2 is amended by adding the following language:

"(e) The lessor of any house, room, apartment, office, store or other demised premises has a lien on all furniture, household furnishings, trade fixtures, equipment and other personal property remaining on the demised premises sixty or more days after the tenant having legal title to such property has vacated the premises, unless the tenant has continued to pay the rental or unless the lessor, or his agent, and the tenant have an agreement to the contrary. This lien shall be for the amount of any rents which were due the lessor at the time the tenant vacated the premises and for the time, up to sixty days, from the vacating of the premises to the date of sale; and for any sums necessary to repair damages to the premises caused by the tenant, normal wear and tear excepted; and for reasonable costs and expenses of sale. The lien created by this subsection shall be enforced by sale at a public sale pursuant to the provisions of G.S. 44A-4(d). This lien shall not have priority over any security interest in the property which is perfected at the time the lessor acquires this lien."

**Sec. 2.** G.S. 44A-5(3) is amended to read as follows:

"(3) Any surplus shall be paid to the person entitled thereto; but when such person cannot be found, the surplus shall be paid to the Clerk of Superior Court of the county in which the sale took place, to be held by the Clerk for the person entitled thereto."

**Sec. 3.** If any provisions of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**Sec. 4.** This act shall become effective July 1, 1971.

In the General Assembly read three times and ratified, this the 11th day of June, 1971.