

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 928

Short Title: No Bond for Certain Actions.

(Public)

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Sponsors: Representative Holt.

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Referred to: Judiciary I.

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April 19, 1991

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE BOND IN ACTIONS WHERE THE STATE OR A COUNTY IS THE PLAINTIFF.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1A-1, Rule 55(c), reads as rewritten:

"(c) Service by publication. – When service of the summons has been made by published notice, no judgment shall be entered on default until the plaintiff shall have filed a bond, approved by the court, conditioned to abide such order as the court may make touching the restitution of any property collected or obtained by virtue of the judgment in case a defense is thereafter permitted and sustained; provided, that in actions involving the title to real estate or to ~~foreclosure~~ foreclose mortgages thereon or in actions in which the State of North Carolina or a county thereof is the plaintiff such bond shall not be required."

Sec. 2. This act is effective upon ratification and applies to actions commenced on or after that date.