

GENERAL ASSEMBLY OF NORTH CAROLINA  
1991 SESSION

CHAPTER 278  
HOUSE BILL 928

AN ACT TO ELIMINATE BOND IN ACTIONS WHERE THE STATE, A MUNICIPALITY 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 or municipality 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.

In the General Assembly read three times and ratified this the 12th day of June, 1991.

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James C. Gardner  
President of the Senate

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Daniel Blue, Jr.  
Speaker of the House of Representatives