

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

H.B. 696  
Apr 14, 2015  
HOUSE PRINCIPAL CLERK

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HOUSE DRH10215-MD-2 (09/02)

Short Title: Debts to Judgment Debtors/Pay to Sheriff. (Public)

Sponsors: Representative Ford.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE SOME OR ALL OF CERTAIN PAYMENTS TO JUDGMENT  
3 DEBTORS AGAINST WHOSE PROPERTY AN EXECUTION HAS BEEN ISSUED TO  
4 BE MADE TO THE SHERIFF RATHER THAN TO THE JUDGMENT DEBTOR.  
5 The General Assembly of North Carolina enacts:  
6 SECTION 1. G.S. 1-359 reads as rewritten:  
7 "§ 1-359. Debtors of judgment debtor ~~may~~ shall satisfy execution.  
8 After the issuing of an execution against ~~property,~~ property and the presentation of a copy of  
9 that execution by the sheriff, all persons indebted to the judgment debtor, or to any one of  
10 several debtors in the same judgment, ~~may pay~~ who make a payment on that debt, shall make as  
11 much of that payment as is necessary to satisfy the execution to the sheriff ~~the amount of their~~  
12 ~~debt, or as much thereof as is necessary to satisfy the execution; and the~~ rather than to the  
13 judgment debtor. The sheriff's receipt is a sufficient discharge for the amount paid of the  
14 debtor's obligation to the judgment debtor for the amount paid. Failure to make payment to the  
15 sheriff shall not be a violation of this section where the person making payment did not have  
16 knowledge of the execution and no demand for payment of the execution was made by the  
17 sheriff. Payment of the amount owed to the judgment debtor by the person indebted to the  
18 judgment debtor after receiving a demand for payment from the sheriff under the execution  
19 shall subject the person indebted to a penalty in the amount of either the full amount due on the  
20 judgment and execution or the amount paid on the debt to the judgment debtor, whichever is  
21 less. This penalty shall be applied to the satisfaction of the judgment and execution under  
22 which the demand for payment was made."  
23 SECTION 2. This act becomes effective October 1, 2015.

