

Article 11.

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§ 1-116. Filing of notice of suit.

(a) Any person desiring the benefit of constructive notice of pending litigation must file a separate, independent notice thereof, which notice shall be cross-indexed in accordance with G.S. 1-117, in all of the following cases:

- (1) Actions affecting title to real property.
- (2) Actions to foreclose any mortgage or deed of trust or to enforce any lien on real property.
- (3) Actions in which any order of attachment is issued and real property is attached.
- (4) Actions seeking injunctive relief under G.S. 113A-64.1 or G.S. 113A-65 regarding sedimentation and erosion control for any land-disturbing activity that is subject to the requirements of Article 4 of Chapter 113A of the General Statutes.
- (5) Actions for asset freezing or seizure under G.S. 14-112.3.

(b) Notice of pending litigation shall contain:

- (1) The name of the court in which the action has been commenced or is pending;
- (2) The names of the parties to the action;
- (3) The nature and purpose of the action; and
- (4) A description of the property to be affected thereby.

(c) Notice of pending litigation may be filed:

- (1) At or any time after the commencement of an action pursuant to Rule 3 of the Rules of Civil Procedure; or
- (2) At or any time after real property has been attached; or
- (3) At or any time after the filing of an answer or other pleading in which the pleading party states an affirmative claim for relief falling within the provisions of subsection (a) of this section.

(d) Notice of pending litigation must be filed with the clerk of the superior court of each county in which any part of the real estate is located, not excepting the county in which the action is pending, in order to be effective against bona fide purchasers or lien creditors with respect to the real property located in such county. (C.C.P., s. 90; Code, s. 229; Rev., s. 460; 1917, c. 106; C.S., s. 500; 1949, c. 260; 1959, c. 1163, s. 1; 1967, c. 954, s. 3; 2009-269, s. 1; 2015-182, s. 2.)