

§ 1-339.20. Public sale; postponement of sale.

(a) A person authorized to hold a public sale by auction may postpone the sale to a day certain not later than 90 days after the original date for the sale, and a person authorized to hold a public sale of timber by sealed bid may postpone the time for submitting and opening bids to a date, time, and place certain not later than 90 days after the original date for the opening of bids if any of the following occurs:

- (1) There are no bidders.
- (2) In the person's judgment, the number of prospective bidders at the sale is substantially decreased by inclement weather or by any casualty.
- (3) There are so many other sales advertised to be held at the same time and place as to make it inexpedient and impracticable, in the person's judgment, to hold the sale on that day.
- (4) The person is unable to hold the sale because of illness or for other good reason.
- (5) Other good cause exists.

The person authorized to hold the sale may postpone the sale more than once whenever any of these conditions are met, so long as the sale is held not later than 90 days after the original date for the sale, as computed pursuant to G.S. 1A-1, Rule 6.

(b) Upon each postponement of public sale the person authorized to hold the sale shall personally, or through the person's agent or attorney, do all of the following:

- (1) At the time and place advertised for the sale or for the opening of sealed bids, publicly announce the postponement.
- (2) On the same day, attach to or enter on the notice of sale, as provided in G.S. 1-339.17 in the case of real property or G.S. 1-339.18 in the case of personal property, a notice of the postponement.
- (2a) Give written or oral notice of postponement to each party previously served pursuant to G.S. 1A-1, Rule 4(j). Written notice of postponement shall be served in any manner provided in G.S. 1A-1, Rule 5(b).
- (3) In the case of a public sale of timber by sealed bid, give notice of postponement to each person that submitted a bid.

(c) The notice of postponement shall be signed by the person authorized to hold the sale, or by the person's agent or attorney, and shall state the following:

- (1) That the sale is postponed.
- (2) In the case of a sale by public auction, the hour and date to which the sale is postponed.
- (2a) In the case of a sale of timber by sealed bid, the date, time, and place to which the opening of bids is postponed.
- (3) The reason for the postponement.
- (4) Repealed by Session Laws 2022-60, s. 1, effective October 1, 2022, and applicable to sales noticed on or after that date.

(d) If a public sale is not held at the time fixed for the sale and is not postponed as provided by this section, the person authorized to make the sale shall report these facts to the judge or clerk of court having jurisdiction, who shall order the time and place of the public sale of the property and the manner and length of time for the notice of the sale. (1949, c. 719, s. 1; 1971, c. 268, s. 18; 1997-83, ss. 10-12; 2022-60, s. 1.)