

**§ 1-440.44. When attached property to be sold before judgment.**

(a) The sheriff shall apply to the clerk or to the judge for authority to sell property, or any share or interest therein, seized pursuant to an order of attachment,

- (1) If the property is perishable, or
- (2) If the property is not perishable, but
  - a. Will materially deteriorate in value pending litigation, or
  - b. Will likely cost more than one fifth of its value to keep pending a final determination of the action, and
  - c. Is not discharged from the attachment lien in the manner provided by G.S. 1-440.39 within ten days after the seizure thereof.

(b) If the court so orders, the property described in subsection (a) of this section shall thereupon be sold under the direction of the court unless the discharge of the same is secured by the defendant or other person interested therein, in the manner provided by G.S. 1-440.39, prior to such sale. The proceeds of such sale shall be liable for any judgment obtained in the principal action and shall be retained by the sheriff to await such judgment. (1947, c. 693, s. 1.)