

## State Court Collections - North Carolina

Brooks Bossong  
May 19, 2011

[Click here](#) to view the webinar.

[Click here](#) to view the PowerPoint slides.

[Click here](#) for a copy of the handouts.

**Statute of Limitation:** N.C.G.S. § 1-52. Three years.

Upon a contract, obligation or liability arising out of a contract, express or implied

Fraud – cause of action shall not be deemed to have accrued until discovery by aggrieved party

**Brining Suit in the General Courts of Justice:** The North Carolina Rules of Civil Procedure – (Chapter 1A of the General Statutes of North Carolina)

Rule 4 of the North Carolina Rules of Civil Procedure. Process.

Rule 5. Service and filing of pleadings and other papers.

Rule 12. Defenses and objections (includes Motion for judgment on the pleadings).

Rule 13. Counterclaim and crossclaim.

Rule 30. Depositions.

Rule 33. Interrogatories to parties.

Rule 34. Production of Documents.

Rule 36. Requests for Admissions; effect of admission.

Rule 37. Failure to make discovery; sanctions.

Mediated Settlement Conferences in Superior Court – Civil Actions - N.C.G.S. § 7A-38.1

Rule 38. Jury trial of right.

Rule 39. Trial by jury or by the court.

Rule 55. Default.

Rule 56. Summary Judgment.

## **Enforcement of Judgments:**

N.C.R.C.P. Rule 58. Entry of Judgment (serve copy of judgment on defendant)

Deadline for Appeal. Rule 3 f the Rules of Appellate Procedure (within 30 days)

The Exemption Process (Defendant is an individual) – N.C.G.S. § 1C-1601 et seq

Execution on the Judgment – N.C.G.S. § 1-302 et seq

Sheriff's Demand Documents served on Corporate Agent - N.C.G.S. §§ 1-324.2, 1-324.4

## **Supplemental Proceedings:**

Examination of Judgment Debtor before the Court - N.C.G.S. § 1-352

Motion before Court to order Debtor to produce documents - N.C.G.S. § 1-352.2

Motion to Show Cause - N.C.G.S. § 5A-23 (Proceedings for civil contempt)

## **Claim and Delivery (for recovery of personal property subject to secured / leased interest:**

Ten Days Notice - N.C.G.S. § 1-474.1

Bond - N.C.G.S. § 1-475

## **Attachment:**

Nature of attachment – preliminary execution against property - § 1-440.1

Grounds for attachment - § 1-440.1 (nonresident, foreign corporation, intent to defraud)

## **Garnishment:**

Nature of garnishment – debtor's property in possession of third party, such as bank - § 1-440.21

## **Uniform Enforcement of Foreign Judgments Act:** – § 1C-1701 et seq

Filing / Notice - §§ 1C-1703, 1C-1704

Defenses - § 1C-1705 (Motion for Relief / Notice of Defenses)