



CHAPTER 1
ARTICLE 28 - EXECUTION

N.C.G.S. § 1-305.

Clerk to issue, in six weeks; limitations on issuance.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2024-33, s. 20 — eleventh act in the lineage	21 September 2026, 05:10 UTC	c0374e288ce21cd43694682f - d4a4291f3c1f4112ca59f875 - 1eac82a2bcce4ad8

§ 1-305(a) Subject to the provisions of G.S. 1A-1 (Rule 62) and subsection (b) below, the clerk of superior court shall issue executions on all unsatisfied judgments entered in the clerk's court, which are in full force and effect, upon the request of any party or person entitled thereto and upon payment of the necessary fees; provided, however, that the clerks of the superior court shall issue executions on all judgments entered in their respective courts on forfeiture of bonds in criminal cases within six weeks of the entry of the judgment, without any request or any advance payment of fees. Every clerk who fails to comply with the requirements of this section is liable to be amerced in the sum of one hundred dollars (\$100.00) for the benefit of the party aggrieved, under the same rules that are provided by law for amercing sheriffs.

§ 1-305(b) The clerk may not issue an execution unless

- (1) The judgment debtor's exemptions have been designated, or
- (2) The judgment debtor has waived his exemptions as provided in G.S. 1C-1601(c), or
- (3) The clerk determines that the exemptions are inapplicable to the particular claim as authorized by G.S. 1C-1603(a)(3).

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I

11 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
01	1850	c. 17, ss. 1, 2, 3	ENACTED
02	1850	R.C., c. 45, s. 29	AMENDED
03	1850	Code, s. 470	AMENDED
04	Rev.	s. 618	RECODIFIED
05	C.S.	s. 666	RECODIFIED
06	1953	c. 470	AMENDED
07	1959	c. 1295	AMENDED
08	1973	c. 1070, s. 1	AMENDED
09	1973	1981 (Reg. Sess., 1982), c. 1224, s. 15	AMENDED
10	2010	S.L. 2010-96, s. 24(a)	AMENDED
11	2024	S.L. 2024-33, s. 20	AMENDED

APPARATUS II

3 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 1A-1 (Rule 62)	(a)	"Subject to the provisions of"
G.S. 1C-1601(c)	(b)(2)	"waived his exemptions as provided in"
G.S. 1C-1603(a)(3)	(b)(3)	"the particular claim as authorized by"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 1-305 (2024).

PINPOINT

N.C. Gen. Stat. § 1-305(a) (2024).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1850, c. 17, ss. 1, 2, 3; R.C., c. 45, s. 29; Code, s. 470; Rev., s. 618; C.S., s. 666; 1953, c. 470; 1959, c. 1295; 1973, c. 1070, s. 1; 1981 (Reg. Sess., 1982), c. 1224, s. 15; 2010-96, s. 24(a); 2024-33, s. 20.)

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