



CHAPTER 1

ARTICLE 29B - EXECUTION SALES

N.C.G.S. § 1-339.58.

Postponement of sale.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2022-60, s. 2(b) — third act in the lineage	21 September 2026, 05:30 UTC	eca57edebeb7d2cf06da168a - 2366872a731ec5fb71e89874 - 198cd7b78eac4f66

§ 1-339.58(a)

The sheriff may postpone the sale to a day certain not later than 90 days after the original date for the sale if any of the following occurs:

- (1) There are no bidders.
- (2) In the sheriff'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 sheriff's judgment, to hold the sale on that day.
- (4) The sheriff is unable to hold the sale because of illness or for other good reason.
- (5) Other good cause exists.

The sheriff 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.

§ 1-339.58(b)

Upon each postponement of the sale, the sheriff shall do all of the following:

- (1) At the time and place advertised for the sale, publicly announce the postponement of the sale.
- (2) On the same day, attach to or enter on the notice of sale, posted as provided by G.S. 1-339.52 in the case of real property or G.S. 1-339.53 in the case of personal property, a notice of the postponement.

- (3) Give written or oral notice of postponement to the judgment debtor. Written notice of postponement shall be served in any manner provided in G.S. 1A-1, Rule 5(b).

§ 1-339.58(c) The posted notice of postponement shall be signed by the sheriff and shall state the following:

- (1) That the sale is postponed.
- (2) The hour and date to which the sale is postponed.
- (3) The reason for the postponement.
- (4) Repealed by Session Laws 2022-60, s. 2(b), effective October 1, 2022, and applicable to sales noticed on or after that date.

§ 1-339.58(d) If a sale is not held at the time fixed for the sale and is not postponed as provided by this section, the sheriff shall report these facts to the clerk of the superior court, who shall order the time and place of the sale of the property and the manner and length of time for the notice of the sale. Nothing in this section relieves the sheriff of liability for the nonperformance of the sheriff's official duty.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I

3 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.

	1949		1986		2022
	TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT		
Nº	YEAR	ACT	CHARACTER		
01	1949	c. 719, s. 1	ENACTED		
02	2001	S.L. 2001-271, s. 13	AMENDED		
03	2022	S.L. 2022-60, s. 2(b)	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	(a)	"the sale, as computed pursuant to"
G.S. 1-339.52	(b)(2)	"of sale, posted as provided by"
G.S. 1-339.53	(b)(2)	"the case of real property or"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 1-339.58 (2022).

PINPOINT

N.C. Gen. Stat. § 1-339.58(a) (2022).

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
(1949, c. 719, s. 1; 2001-271, s. 13; 2022-60, s. 2(b).)

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