



CHAPTER 1
ARTICLE 29B - EXECUTION SALES

N.C.G.S. § 1-339.71.

Special proceeding to determine ownership of surplus.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT c. 1446, s. 19 — third act in the lineage	RETRIEVED 21 September 2026, 04:48 UTC	SOURCE FINGERPRINT 8005f24536655fdeef8dfce8 - de6c88c8af7740522d7888f1 - edf19c06d2325d00
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- § 1-339.71(a)

A special proceeding may be instituted before the clerk of the superior court by any person claiming any money, or part thereof, paid into the clerk's office under G.S. 1-339.70 or G.S. 105-374(q)(6), to determine who is entitled thereto.
- § 1-339.71(b)

All other persons who have filed with the clerk notice of their claim to the money or any part thereof, or who, as far as the petitioner or petitioners know, assert any claim to the money or any part thereof, shall be made defendants in the proceeding.
- § 1-339.71(c)

If any answer is filed raising issues of fact as to the ownership of the money, the proceedings shall be transferred to the civil issue docket of the superior court for trial. When a proceeding is so transferred, the clerk may require any party to the proceeding who asserts a claim to the fund by petition or answer to furnish a bond for costs in the amount of \$200.00, or otherwise comply with the provisions of G.S. 1-109.
- § 1-339.71(d)

The court may, in its discretion, allow a reasonable attorney's fee for any attorney appearing in behalf of the party or parties who prevail, to be paid out of the funds in controversy, and shall tax all costs against the losing party or parties who asserted a claim to the fund by petition or answer.

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		1961	1973
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1949	c. 719, s. 1	ENACTED
02	1967	c. 705, s. 2	AMENDED
03	1973	c. 1446, s. 19	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. 1-339.70	(a)	<i>"paid into the clerk's office under"</i>
G.S. 105-374(q)(6)	(a)	<i>"clerk's office under G.S. 1-339.70 or"</i>
G.S. 1-109	(c)	<i>"otherwise comply with the provisions of"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 1-339.71 (1973).

PINPOINT

N.C. Gen. Stat. § 1-339.71(a) (1973).

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; 1967, c. 705, s. 2; 1973, c. 1446, s. 19.)

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NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

