



CHAPTER 1
ARTICLE 33 - SPECIAL PROCEEDINGS

N.C.G.S. § 1-394.

Contested special proceedings;
commencement; summons.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	No amendment history on record	21 September 2026, 02:52 UTC	afd4f3fc38ddbc639c3e1193 - e811ebd87b1c64381ef8fe62 - 81514dd3fd0ec479

Special proceedings against adverse parties shall be commenced as is prescribed for civil actions. The summons shall notify the defendant or defendants to appear and answer the complaint or petition of the plaintiff within 10 days after its service upon the defendant or defendants, and must contain a notice stating in substance that if the defendant or defendants fail to answer the complaint or petition, within the time specified, the plaintiff will apply to the court for the relief demanded in the complaint or petition. The summons must run in the name of the State, be dated and signed by the clerk, assistant clerk, or deputy clerk of the superior court having jurisdiction in the special proceeding, be directed to the defendant or defendants, and be delivered for service to some proper person, as defined by G.S. 1A-1, Rule 4(a). The clerk shall indicate on the summons by appropriate words that the summons is issued in a special proceeding and not in a civil action. The manner of service is as prescribed for summons in civil actions by G.S. 1A-1, Rule 4. In partition proceedings under Chapter 46A of the General Statutes or where the defendant is an agency of the federal government, an agency of the State, a local government, or an agency of a local government, the time for filing an answer or other pleading is within 30 days after the date of service of summons or after the final determination of any motion required to be made prior to the filing of an answer. (1868-9, c. 93, s. 4; Code, ss. 279, 287; Rev., ss. 711, 712; C.S., s. 753; 1927, c. 66, s. 5; 1929, c. 50; c. 237, s. 3; 1939, c. 49, s. 2; c. 143; 1951, c. 783; 1961, c. 363; 1967, c. 954, s. 3; 1971, c. 1093, s. 17; 2009-362, s. 2; 2020-23, ss. 5, 8.)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II
1 AUTHORITY

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		<i>"some proper person, as defined by"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 1-394 (2026).

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

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