



CHAPTER 1
ARTICLE 35 - ATTACHMENT

N.C.G.S. § 1-440.11.

Affidavit for attachment; amendment.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT c. 693, s. 1 — first act in the lineage	RETRIEVED 21 September 2026, 02:07 UTC	SOURCE FINGERPRINT d49cd1bb74c42527bf4c5ee4 - bcb12543d4603ab326f23b1f - 8dd5d1f6a73dec3d
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§ 1-440.11(a) To secure an order of attachment, the plaintiff, or his agent or attorney in his behalf, must state by affidavit

- (1) In every case:
- a.The plaintiff has commenced or is about to commence an action, the purpose of which, in whole or in part, or in the alternative, is to secure a judgment for money, and the amount thereof,
 - b.The nature of such action, and
 - c.The ground or grounds for attachment (one or more of those stated in G.S. 1-440.3); and

- (2) In those cases described below, the additional facts indicated:
- a.If the action is based on breach of contract, that the plaintiff is entitled to recover the amount for which judgment is sought over and above all counterclaims known to him;
 - b.If it is alleged as a ground for attachment that the defendant has done, or is about to do, any act with intent to defraud his creditors, the facts and circumstances supporting such allegation.

§ 1-440.11(b) A verified complaint may be used as the affidavit required by this section.

§ 1-440.11(c)

The court, in its discretion, at any time before judgment in the principal action, may allow any such affidavit to be amended even though the original affidavit is wholly insufficient.

§ 1-440.11(d)

An amendment of an insufficient affidavit of attachment relates to the beginning of the attachment proceeding, and no rights based on such irregularity can be required by any third party by any subsequent attachment intervening between the original affidavit and the amendment.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
1 ACT

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.

1947

1948

TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT

Nº	YEAR	ACT	CHARACTER
01	1947	c. 693, s. 1	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. 1-440.3	(a)	"or more of those stated in"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 1-440.11 (1947).

PINPOINT

N.C. Gen. Stat. § 1-440.11(a) (1947).

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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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE
(1947, c. 693, s. 1.)

SET IN SPECTRAL AND ARCHIVO
NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

