



CHAPTER 1
ARTICLE 35 - ATTACHMENT

N.C.G.S. § 1-440.34.

Effect of defendant's death after levy.

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, 04:20 UTC	SOURCE FINGERPRINT c03818b52dcbf530ab9ed083 - 80dab6565fe662c41db98f0a - 023704122f419dc7
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§ 1-440.34(a) In case of the death of the defendant, after the issuance of an order of attachment and after a levy is made thereunder but before service of summons is had or before an appearance is entered in the principal action, the levy shall remain in force

- (1) If the cause of action set forth by the plaintiff in the principal action is one which survives, and
- (2) If service is completed on the personal representative of the defendant within three months from the date of his qualification.

§ 1-440.34(b) If a levy has been made upon real property and the defendant dies before such real property is sold pursuant to the attachment, the lien of the attachment shall continue but the judgment may be enforced only through the defendant's personal representative in the regular course of administration.

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

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 1-440.34 (1947).

PINPOINT

N.C. Gen. Stat. § 1-440.34(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

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1947, c. 693, s. 1.)

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NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

