



CHAPTER 1
ARTICLE 35 - ATTACHMENT

N.C.G.S. § 1-440.44.

When attached property to be sold before judgment.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	c. 693, s. 1 — first act in the lineage	21 September 2026, 05:38 UTC	b3db7fc08af740b1c955d677 - 93042f77b974dfc2ce78a72d - 0b4e70e21de3895d

- § 1-440.44(a)

The sheriff shall apply to the clerk or to the judge for authority to sell property, or any share or interest therein, seized pursuant to an order of attachment,

(1)

If the property is perishable, or

(2)

If the property is not perishable, but

a.

Will materially deteriorate in value pending litigation, or

b.

Will likely cost more than one fifth of its value to keep pending a final determination of the action, and

c.

Is not discharged from the attachment lien in the manner provided by G.S. 1-440.39 within ten days after the seizure thereof.
- § 1-440.44(b)

If the court so orders, the property described in subsection (a) of this section shall thereupon be sold under the direction of the court unless the discharge of the same is secured by the defendant or other person interested therein, in the manner provided by G.S. 1-440.39, prior to such sale. The proceeds of such sale shall be liable for any judgment obtained in the principal action and shall be retained by the sheriff to await such judgment.

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. 1-440.39	(a)	"lien in the manner provided by"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 1-440.44 (1947).

PINPOINT

N.C. Gen. Stat. § 1-440.44(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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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
(1947, c. 693, s. 1.)

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

