



CHAPTER 1

ARTICLE 35 - ATTACHMENT

N.C.G.S. § 1-440.45.

When defendant prevails in principal action.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	c. 837, s. 8 — second act in the lineage	21 September 2026, 03:38 UTC	3b413316c6f3905bfd88e784 - 8c67d46abc2d6083a2d6996c - 6240e09d069e3422

§ 1-440.45(a) If the defendant prevails in the principal action, or if the order of attachment is for any reason dissolved, dismissed or set aside, or if service is not had on the defendant as provided by G.S. 1-440.7,

- (1) The defendant shall be entitled to have delivered to him
- a.All bonds taken for his benefit whether filed in the proceedings or taken by an officer, and
- b.The proceeds of any sales and all money collected, and
- c.All attached property remaining in the officer's hands, and
- (2) Any garnishee shall be entitled to have vacated any judgment theretofore taken against him.

§ 1-440.45(b) Either the clerk or the judge shall have authority, upon motion of the defendant or any garnishee, to make any such order as may be necessary or proper to carry out the provisions of subsection (a) of this section.

§ 1-440.45(c) Upon judgment in his favor in the principal action, the defendant may thereafter, by motion in the cause, recover on any bond taken for his benefit therein, or he may maintain an independent action thereon.

APPARATUS I
2 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.

1947		1949	1951
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1947	c. 693, s. 1	ENACTED
02	1951	c. 837, s. 8	AMENDED

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. 1-440.7	(a)	"on the defendant as provided by"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 1-440.45 (1951).

PINPOINT

N.C. Gen. Stat. § 1-440.45(a) (1951).

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; 1951, c. 837, s. 8.)

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