



CHAPTER 1

ARTICLE 35 - ATTACHMENT

N.C.G.S. § 1-440.5.

By whom order issued; when and where; filing of bond and affidavit.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	c. 268, s. 30 — second act in the lineage	21 September 2026, 02:14 UTC	d8c10d793a782e6102244000 - e1232b6fa8c703cd2c3110e6 - 662c2794926fc35e

§ 1-440.5(a)

An order of attachment may be issued by

- (1) The clerk of the court in which the action has been, or is being, commenced, or by
- (2) A judge of the appropriate trial division, as authorized in subsection (b) of this section.

§ 1-440.5(b)

An order of attachment issued by a judge may be issued as follows:

- (1) If the action has been or is being commenced in the Superior Court Division, a resident superior court judge of the district, or a judge regularly holding the superior courts of the district, may issue the order in open court or in chambers, in session or in vacation, and within or without the district. Any other judge holding a session of superior court in the county may issue the order in open court.
- (2) If the action has been or is being commenced in the District Court Division, the presiding judge, the chief district judge, or any district judge authorized by the chief to hear motions and enter interlocutory orders may issue the order in open court or in chambers in session or in vacation.

§ 1-440.5(c)

In those cases where the order of attachment is issued by the judge, such judge shall cause the bond required by G.S. 1-440.10 and the affidavit required by G.S. 1-440.11

to be filed promptly with the clerk of the court of the county in which the action is pending.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

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		1959		1971
TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT		
Nº	YEAR	ACT	CHARACTER	
01	1947	c. 693, s. 1	ENACTED	
02	1971	c. 268, s. 30	AMENDED	

APPARATUS II
2 AUTHORITIES

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. 1-440.10	(c)	"shall cause the bond required by"
G.S. 1-440.11	(c)	"1-440.10 and the affidavit required by"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 1-440.5 (1971).

PINPOINT

N.C. Gen. Stat. § 1-440.5(a) (1971).

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; 1971, c. 268, s. 30.)

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NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

