



CHAPTER 1
ARTICLE 35 - ATTACHMENT

N.C.G.S. § 1-440.7.

Time within which service of summons or service by publication must be had.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	c. 1093, ss. 14, 15 — third act in the lineage	21 September 2026, 04:48 UTC	c4979d4925d6881cf39e1985 - 850faa13883d61b10ccbe801 - 169533dd655f7d92

- § 1-440.7(a)

When an order of attachment is issued before the summons is served.

(1)

If personal service within the State is to be had, such personal service must be had within 30 days after the issuance of the order of attachment;

(2)

If such personal service within the State is not to be had,

a.Service of the summons outside the State, in the manner provided by Rule 4(j)(9)a or b of the Rules of Civil Procedure, must be had within 30 days after the issuance of the order of attachment, or

b.Service by publication must be commenced not later than the thirty-first day after the issuance of the order of attachment. If publication is commenced, such publication must be completed as provided by Rule 4(j)(9)c of the Rules of Civil Procedure unless the defendant appears in the action or unless personal service is had on him within the State.
- § 1-440.7(b)

Upon failure of compliance with the applicable provisions of subsection (a) of this section, either the clerk or the judge shall, upon the motion of the defendant or any other interested party, make an order dissolving the attachment, and the defendant shall have all the rights that would accrue to him under the provisions of G.S. 1-440.45, the same as if the principal action had been prosecuted to judgment and the defendant had prevailed therein.

APPARATUS I
3 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	1967	c. 954, s. 3	AMENDED	
03	1971	c. 1093, ss. 14, 15	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. 1-440.45	(b)	"to him under the provisions of"

APPARATUS III

Citation

FULL SECTION
N.C. Gen. Stat. § 1-440.7 (1971).

PINPOINT
N.C. Gen. Stat. § 1-440.7(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; 1967, c. 954, s. 3; 1971, c. 1093, ss. 14, 15.)

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