



CHAPTER 136
ARTICLE 9 - CONDEMNATION

N.C.G.S. § 136-106.

Answer, reply and plat.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT c. 464, ss. 7.1, 28 — sixth act in the lineage	RETRIEVED 21 September 2026, 02:50 UTC	SOURCE FINGERPRINT c1a0222c68435cd107e90dc3 - c7a07c3a8f919c561d6bb592 - 15a02f06357a1399
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§ 136-106(a)

AFFIRMATIVE
DEFENSE

Any person whose property has been taken by the Department of Transportation by the filing of a complaint and a declaration of taking, may within the time hereinafter set forth file an answer to the complaint only praying for a determination of just compensation. No answer shall be filed to the declaration of taking and notice of deposit. Said answer shall, in addition, contain the following:

- (1) Such admissions or denials of the allegations of the complaint as are appropriate.
- (2) The names and addresses of the persons filing said answer, together with a statement as to their interest in the property taken.
- (3) Such affirmative defenses or matters as are pertinent to the action.

§ 136-106(b)

A copy of the answer shall be served on the Department of Transportation, or such other process agents as may be designated by the Department of Transportation, in Raleigh, provided that failure to serve the answer shall not deprive the answer of its validity. The affirmative allegations of said answer shall be deemed denied. The Department of Transportation may, however, file a reply within 30 days from receipt of a copy of the answer.

§ 136-106(c)

The Department of Transportation, within 90 days from the receipt of the answer shall file in the cause a plat of the land taken and such additional area as may be necessary to properly determine the damages, and a copy thereof shall be mailed to the parties or their attorney; provided, however, the Department of Transportation shall not be

required to file a map or plat in less than six months from the date of the filing of the complaint.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
6 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.

	1959				1968					1977
	TICK HEIGHT = ACTS IN THAT YEAR				DASHED = RECODIFICATION, NOT AMENDMENT					
Nº	YEAR	ACT				CHARACTER				
01	1959	c. 1025, s. 2				ENACTED				
02	1961	c. 1084, s. 4				AMENDED				
03	1963	c. 1156, ss. 3, 4				AMENDED				
04	1965	c. 55, s. 15				AMENDED				
05	1973	c. 507, s. 5				AMENDED				
06	1977	c. 464, ss. 7.1, 28				AMENDED				

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 136-106 (1977).

PINPOINT

N.C. Gen. Stat. § 136-106(a) (1977).

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

(1959, c. 1025, s. 2; 1961, c. 1084, s. 4; 1963, c. 1156, ss. 3, 4; 1965, c. 55, s. 15; 1973, c. 507, s. 5; 1977, c. 464, ss. 7.1, 28.)

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