



CHAPTER 45
ARTICLE 2A - SALES UNDER POWER OF SALE

N.C.G.S. § 45-21.12.

Power of sale barred when foreclosure barred.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT c. 359, s. 1 — fourth act in the lineage	RETRIEVED 21 September 2026, 03:37 UTC	SOURCE FINGERPRINT d1917b7e9e767315ef431034 - fc6d356e49df70110cf408ef - 36b0f28118f92db6
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§ 45-21.12(a)

STATUTE OF
LIMITATIONS

Except as provided in subsection (b), no person shall exercise any power of sale contained in any mortgage or deed of trust, or provided by statute, when an action to foreclose the mortgage or deed of trust, is barred by the statute of limitations.

§ 45-21.12(b)

STATUTE OF
LIMITATIONS

If a sale pursuant to a power of sale contained in a mortgage or deed of trust, or provided by statute, is commenced within the time allowed by the statute of limitations to foreclose such mortgage or deed of trust, the sale may be completed although such completion is effected after the time when commencement of an action to foreclose would be barred by the statute. For the purpose of this section, a sale is commenced when the notice of hearing or the notice of sale is first filed, given, served, posted, or published, whichever occurs first, as provided by this Article or by the terms of the instrument pursuant to which the power of sale is being exercised.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
4 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.



Nº	YEAR	ACT	CHARACTER
01	1949	c. 720, s. 1	ENACTED
02	1967	c. 562, s. 2	AMENDED
03	1969	c. 984, s. 1	AMENDED
04	1977	c. 359, s. 1	AMENDED

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 45-21.12 (1977).

PINPOINT

N.C. Gen. Stat. § 45-21.12(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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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1949, c. 720, s. 1; 1967, c. 562, s. 2; 1969, c. 984, s. 1; 1977, c. 359, s. 1.)

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