



CHAPTER 45

ARTICLE 2A - SALES UNDER POWER OF SALE

N.C.G.S. § 45-21.21.

Postponement of sale; notice of cancellation.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2022-60, s. 3 — thirteenth act in the lineage	21 September 2026, 02:02 UTC	e531dad43b0df973173896bb - 3bda72743534c4482362b013 - f86d2a6753090dff

§ 45-21.21(a)

Any person exercising a power of sale may postpone the sale to a day certain not later than 90 days after the original date for the sale if any of the following occurs:

- (1) There are no bidders.
- (2) In the person's judgment, the number of prospective bidders at the sale is substantially decreased by inclement weather or by any casualty.
- (3) There are so many other sales advertised to be held at the same time and place as to make it inexpedient and impracticable, in the person's judgment, to hold the sale on that day.
- (4) The person is unable to hold the sale because of illness or for other good reason.
- (5) Other good cause exists.

The person exercising a power of sale may postpone the sale more than once whenever any of these conditions are met, so long as the sale is held not later than 90 days after the original date for the sale. The 90-day time period is computed in the manner provided by G.S. 1A-1, Rule 6.

§ 45-21.21(b)

Upon postponement of a sale, the person exercising the power of sale shall personally, or through the person's agent or attorney, do all of the following:

- (1) At the time and place advertised for the sale, publicly announce the postponement.

- (2) On the same day, attach to or enter on the notice of sale, posted as provided by G.S. 45-21.17(1)a., a notice of the postponement.
- (3) Give written or oral notice of postponement to each party entitled to notice of sale under G.S. 45-21.17.

§ 45-21.21(c) The posted notice of postponement shall be signed by the person authorized to hold the sale, or by the person's agent or attorney, and shall state the following:

- (1) That the sale is postponed.
- (2) The hour and date to which the sale is postponed.
- (3) The reason for the postponement.
- (4) Repealed by Session Laws 2022-60, s. 3, effective October 1, 2022, and applicable to sales noticed on or after that date.

§ 45-21.21(d) If a sale is not held at the time fixed for the sale and is not postponed as provided by this section, or if on appeal, the appellate court orders a sale to be held, then prior to the sale taking place, G.S. 45-21.16 does not apply, but G.S. 45-21.16A, 45-21.17, and 45-21.17A again apply.

§ 45-21.21(e) Repealed by Session Laws 2022-60, s. 3, effective October 1, 2022, and applicable to sales noticed on or after that date.

§ 45-21.21(f) Repealed by Session Laws 2019-243, s. 26(a), effective November 6, 2019.

§ 45-21.21(g) If the sale is postponed pursuant to this section, then the person exercising the power of sale shall, immediately upon determining that the sale will not occur and prior to the scheduled time of the sale, deliver a written notice to the clerk of superior court that is to include all of the following:

- (1) The case number assigned by the clerk.
- (2) The name of each mortgagor and record owner.
- (3) The United States Postal Service address of the property or, if no address has been assigned, a brief description of the location of the property.
- (4) The originally scheduled date and time for the sale.

- (5) A statement that the foreclosure sale has been withdrawn, rescheduled for a specific date and time, or postponed with no date yet set, as appropriate.

§ 45-21.21(h)

If the notice required by subsection (g) of this section is not received by the clerk prior to the scheduled time of the sale, then the person exercising the power of sale shall personally, or through the person's agent or attorney, do all of the following:

- (1) At the time and place advertised for the sale, publicly announce the cancellation.
- (2) On the same day, attach to or enter on the notice of sale, posted as provided by G.S. 45-21.17(1)a., a notice of the cancellation.
- (3) Give written or oral notice of cancellation to each party entitled to notice of sale under G.S. 45-21.17.
- (4) Hand-deliver the written notice required under subdivision (2) of this subsection to the clerk's office.

§ 45-21.21(i)

So that the notice required by subsection (g) of this section may be delivered in the time frame required, the clerk's office shall, upon request, provide to the person exercising the power of sale an email address or fax telephone number, or both, to use for delivery of notices.

§ 45-21.21(j)

Should the clerk's office be unexpectedly closed on the day of the sale or at the time designated for the sale to take place pursuant to G.S. 45-21.23, the requirements of this section related to notice to or filings with the clerk are delayed until the next day the clerk's office is open for transactions.

§ 45-21.21(k)

All notices of a scheduled foreclosure sale, withdrawal of a scheduled sale, or postponement of a scheduled sale shall, on the day of receipt by the clerk, be posted by the person exercising the power of sale in the location at the county courthouse normally used for the posting of public notices. If a scheduled sale has been withdrawn, the notice shall remain in the location for no less than 30 days. If the sale has been postponed, the notice shall remain in the location until it is replaced by a notice of a rescheduled sale or of a withdrawn sale.

§ 45-21.21(l)

The delivery of notices required by this section in no way removes any responsibility of any party to file documents with the clerk as required elsewhere by law.

§ 45-21.21(m) Repealed by Session Laws 2022-60, s. 3, effective October 1, 2022, and applicable to sales noticed on or after that date.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
13 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.

1949

1986

2022

TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT

Nº	YEAR	ACT	CHARACTER
01	1949	c. 720, s. 1	ENACTED
02	1967	c. 562, s. 2	AMENDED
03	1975	c. 492, ss. 4-6	AMENDED
04	1983	c. 335, s. 2	AMENDED
05	1989	c. 257	AMENDED
06	1989	1991 (Reg. Sess., 1992), c. 777, s. 1	AMENDED
07	1993	c. 305, s. 12	AMENDED
08	1995	c. 509, s. 25	AMENDED
09	2003	S.L. 2003-337, s. 3	AMENDED
10	2018	S.L. 2018-40, s. 11.1	AMENDED
11	2018	S.L. 2018-145, s. 16	AMENDED
12	2019	S.L. 2019-243, s. 26(a)	AMENDED
13	2022	S.L. 2022-60, s. 3	AMENDED

APPARATUS II
6 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. 1A-1	(a)	"computed in the manner provided by"

G.S. 45-21.17(1)	(b)(2)	"of sale, posted as provided by"
G.S. 45-21.17	(b)(3)	"entitled to notice of sale under"
G.S. 45-21.16	(d)	"prior to the sale taking place,"
G.S. 45-21.16A	(d)	"G.S. 45-21.16 does not apply, but"
G.S. 45-21.23	(j)	"sale to take place pursuant to"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 45-21.21 (2022).

PINPOINT

N.C. Gen. Stat. § 45-21.21(a) (2022).

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; 1975, c. 492, ss. 4-6; 1983, c. 335, s. 2; 1989, c. 257; 1991 (Reg. Sess., 1992), c. 777, s. 1; 1993, c. 305, s. 12; 1995, c. 509, s. 25; 2003-337, s. 3; 2018-40, s. 11.1; 2018-145, s. 16; 2019-243, s. 26(a); 2022-60, s. 3.)

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