

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 529
HOUSE BILL 248

AN ACT TO AMEND ARTICLE 31 OF CHAPTER 1, RELATING TO THE DISCOVERY
OF ASSETS OF A JUDGMENT DEBTOR.

The General Assembly of North Carolina do enact:

Section 1. G.S. 1-352 is amended by adding at the end thereof a new numbered paragraph to read as follows:

"G.S. 1-352.1. As an additional method of discovering assets of a judgment debtor, the judgment creditor may prepare and serve on the judgment debtor written interrogatories concerning his property, at any time the judgment remains unsatisfied, and within three years from the time of issuing an execution. Such written interrogatories shall be fully answered under oath by the judgment debtor within thirty (30) days of service on the judgment debtor, and the answer shall be filed by the judgment debtor with the Clerk of the Superior Court wherein the original judgment is docketed. Copy of said answer shall be served upon the party submitting said written interrogatories, in the manner provided by the Rules of Civil Procedure.

Interrogatories may relate to any matters which can be inquired into under G.S. 1-352, and the debtor may object to any interrogatories that are deemed improper, but the making of objections shall not delay the answering of interrogatories to which objection is not made. If the objections are overruled, the court shall fix the time for answering the interrogatories. The number of interrogatories or sets of interrogatories to be served is not limited except as justice requires to protect the party from annoyance, expense, embarrassment or oppression.

Upon failure of the judgment debtor to fully answer the written interrogatories the judgment creditor may petition the court for an order requiring the judgment debtor to fully answer, which order shall be served upon the judgment debtor in the same manner as a summons is served pursuant to the Rules of Civil Procedure, fixing the time within which the judgment debtor can answer the interrogatories, and further providing as an alternative that the judgment debtor may appear and answer concerning his property before such court or Judge, at a time and place specified in said order.

Any person who disobeys an order of the court may be punished by the Judge as for a contempt under the provisions of G.S. 1-368."

Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. This act shall become effective on October 1, 1971.

In the General Assembly read three times and ratified, this the 8th day of June, 1971.