

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 408
HOUSE BILL 851

AN ACT TO AMEND THE RULES OF CIVIL PROCEDURE TO PROVIDE AN
ALTERNATE METHOD FOR SERVICE OF PROCESS BY REGISTERED OR
CERTIFIED MAIL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1A-1, Rule 4 (j)(9)b is hereby rewritten as follows:

"b. Registered or certified mail. Any party subject to service of process under this subsection (9) may be served by mailing a copy of the summons and complaint, registered or certified mail, return receipt requested, addressed to the party to be served. Service shall be complete on the day the summons and complaint are delivered to the addressee, but the court in which the action is pending shall, upon motion of the party served, allow such additional time as may be necessary to afford the defendant reasonable opportunity to defend the action. Before judgment by default may be had on such service, the serving party shall file an affidavit with the court showing the circumstances warranting the use of service by registered or certified mail and averring (i) that a copy of the summons and complaint was deposited in the post office for mailing by registered or certified mail, return receipt requested, (ii) that it was in fact received as evidenced by the attached registered or certified receipt or other evidence satisfactory to the court of delivery to the addressee and (iii) that the genuine receipt or other evidence of delivery is attached. This affidavit shall be prima facie evidence that service was made on the date disclosed therein in accordance with the requirements of this paragraph, and shall also constitute the method of proof of service of process when the party appears in the action and challenges such service upon him."

Sec. 2. This act shall become effective July 1, 1975.

In the General Assembly read three times and ratified, this the 26th day of May,

1975.