

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 783

Short Title: Interpleader Funds Deposit.

(Public)

Sponsors: Representative Dawkins.

Referred to: Judiciary.

March 22, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT FUNDS SUBJECT TO COMPETING CLAIMS MAY BE DEPOSITED WITH THE CLERK OF COURT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1A-1, Rule 22, reads as rewritten:

"Rule 22. Interpleader. (a) Persons having claims against the plaintiff may be joined as defendants and required to interplead when their claims expose or may expose the plaintiff to double or multiple liability. It is not ground for objection to the joinder that the claims of the several claimants or the titles on which their claims depend do not have a common origin or are not identical but are adverse to and independent of one another, or that the plaintiff avers that he is not liable in whole or in part to any or all of the claimants. A defendant exposed to similar liability may obtain such interpleader by way of crossclaim or counterclaim. The provisions of this rule supplement and do not in any way limit the joinder of parties permitted in Rule 20.

(b) Where funds are subject to competing claims by parties to the action, the court may order the party in possession of the funds either to deposit the funds in a bank, savings and loan, or trust company licensed to do business in this State or to deposit the funds with the clerk. Funds deposited with the clerk shall be invested or deposited as provided in G.S. 7A-112 and G.S. 7A-112.1 and, upon determination of the action, the judgment shall provide for disbursement of the interest earned on the funds while in the hands of the clerk."

Sec. 2. This act shall become effective July 1, 1989.