

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 711
HOUSE BILL 627

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 enacts:

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

"§ 1-352.2. In addition to the other provisions of this article and as an additional method of discovering assets of a judgment debtor the clerk of the court or a judge of the court in the county wherein the original judgment is docketed, at any time the judgment remains unsatisfied, and within three years from the time of issuing an execution, upon motion of the judgment creditor showing good cause therefor, may:

- (1) Order the judgment debtor, his agent or anyone having possession or control of property or records of or pertaining to the judgment debtor, to produce and permit the inspection and copying or photographing, by or on behalf of the moving party, of any designated documents, papers, books, accounts, all tax records, letters, objects or tangible things, not privileged, constituting property, or being evidence of property, of the judgment debtor and which are in his possession and custody, or subject to his control; or
- (2) Order the judgment debtor or anyone acting for or on his behalf to permit entry upon designated land or other property, real or personal, in his possession or control or subject to his control for the purpose of inspecting, measuring, surveying, appraising, copying, or photographing the property of the judgment debtor.
- (3) Prior notice of the motion, together with a copy thereof, shall be served on the judgment debtor as provided by the Rules of Civil Procedure. Upon the hearing, the order entered shall specify the time, place and manner for compliance therewith and may prescribe such terms and conditions as are just.
- (4) Any person who shall fail to comply with an order entered pursuant to this section may be punished as for a contempt under the provisions of G.S. 1-368."

Sec. 2. This act shall become effective October 1, 1971.

In the General Assembly read three times and ratified, this the 1st day of July, 1971.