

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 900

Short Title: Return Summons After Service.

(Public)

Sponsors: Senator Ezzell.

Referred to: Judiciary III.

April 17, 1989

A BILL TO BE ENTITLED

AN ACT TO MAKE IT EXPLICIT THAT A SUMMONS SHALL BE RETURNED TO THE CLERK WHO ISSUED IT IMMEDIATELY AFTER IT HAS BEEN SERVED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1A-1, Rule 4(c) reads as rewritten:

"(c) Summons – Return. – Personal service or substituted personal service of summons as prescribed by Rule 4(j)(1) a and b, must be made within 30 days after the date of the issuance of summons, except that in tax and assessment foreclosures under G.S. 105-391 or G.S. 105-414 the time allowed for service is 60 days. When a summons has been served upon every party named in the summons, it shall be returned immediately to the clerk who issued it, with notation thereon of its service. But failure to make service within the time allowed or failure to return a summons to the clerk after it has been served on every party named in the summons shall not invalidate the summons. If the summons is not served within the time allowed upon every party named in the summons, it shall be returned immediately upon the expiration of such time by the officer to the clerk of the court who issued it with notation thereon of its nonservice and the reasons therefore as to every such party not served, but failure to comply with this requirement shall not invalidate the summons."

Sec. 2. This act shall become effective October 1, 1989, and shall apply to summons issued under Rule 4 on or after that date.