

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 1013

Short Title: Require Filing Written Judgment in 60 Days.

(Public)

Sponsors: Senator Berger.

Referred to: Judiciary I.

April 3, 2003

A BILL TO BE ENTITLED

1 AN ACT TO DECREASE THE MAXIMUM NUMBER OF DAYS IN WHICH THE
2 WRITTEN JUDGMENT MUST BE SERVED UPON ALL OTHER PARTIES
3 FROM NINETY DAYS TO SIXTY DAYS.
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5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 1A-1, Rule 58, reads as rewritten:

7 **"Rule 58. Entry of judgment.**

8 Subject to the provisions of Rule 54(b), a judgment is entered when it is reduced to
9 writing, signed by the judge, and filed with the clerk of court. The party designated by
10 the judge or, if the judge does not otherwise designate, the party who prepares the
11 judgment, shall serve a copy of the judgment upon all other parties within three days
12 after the judgment is entered. Service and proof of service shall be in accordance with
13 Rule 5. If service is by mail, three days shall be added to the time periods prescribed by
14 Rule 50(b), Rule 52(b), and Rule 59. All time periods within which a party may further
15 act pursuant to Rule 50(b), Rule 52(b), or Rule 59 shall be tolled for the duration of any
16 period of noncompliance with this service requirement, provided however that no time
17 period under Rule 50(b), Rule 52(b), or Rule 59 shall be tolled longer than ~~90~~60 days
18 from the date the judgment is entered. Consent for the signing and entry of a judgment
19 out of term, session, county, and district shall be deemed to have been given unless an
20 express objection to such action was made on the record prior to the end of the term or
21 session at which the matter was heard.

22 Notwithstanding any other law to the contrary, any judgment entered by a magistrate
23 in a small claims action pursuant to Article 19 of Chapter 7A shall be entered in
24 accordance with this Rule except judgments announced and signed in open court at the
25 conclusion of a trial are considered to be served on the parties, and copies of any
26 judgment not announced and signed in open court at the conclusion of a trial shall be
27 served by the magistrate on all parties in accordance with this Rule, within three days
28 after the judgment is entered. If service is by mail, three days shall be added to the time
29 periods prescribed by G.S. 7A-228. All time periods within which a party may further

1 act pursuant to G.S. 7A-228 shall be tolled for the duration of any period of
2 noncompliance of this service requirement, provided that no time period shall be tolled
3 longer than ~~90~~60 days from the date judgment is entered."

4 **SECTION 2.** This act becomes effective October 1, 2003, and applies to all
5 judgments entered on or after that date.