

Article 36.
Claim and Delivery.

§ 1-472. Claim for delivery of personal property.

The plaintiff in an action to recover the possession of personal property may claim the immediate delivery of the property as provided in this Article at any time before the judgment in the principal action. (C.C.P., s. 176; Code, s. 321; Rev., s. 790; C.S., s. 830; 1977, c. 753.)

§ 1-473. Affidavit and requisites.

Where a delivery is claimed, an affidavit must be made before the clerk of the court in which the action is required to be tried or before some person competent to administer oaths, by the plaintiff, or someone in his behalf, showing –

- (1) That the plaintiff is the owner of the property claimed (particularly describing it), or is lawfully entitled to its possession by virtue of a special property therein, the facts in respect to which must be set forth.
- (2) That the property is wrongfully detained by the defendant.
- (3) The alleged cause of the detention, according to his best knowledge, information and belief.
- (4) That the property has not been taken for tax, assessment or fine, pursuant to a statute; or seized under an execution or attachment against the property of the plaintiff; or, if so seized, that it is, by statute, exempt from such seizure; and,
- (5) The actual value of the property. (C.C.P., s. 177; 1881, c. 134; Code, s. 322; Rev., s. 791; C.S., s. 831.)

§ 1-474. Order of seizure and delivery to plaintiff.

(a) Order. – The clerk of court may, upon notice and hearing as provided in G.S. 1-474.1 and upon the giving by the plaintiff of the undertaking prescribed in G.S. 1-475, require the sheriff of the county where the property claimed is located to take the property from the defendant and deliver it to the plaintiff. The act of the clerk in issuing or refusing to issue the order to the sheriff is a judicial act and may be appealed pursuant to G.S. 1-301.1 to the judge of the district or superior court having jurisdiction of the principal action.

(b) Expiration of Certain Orders. – When delivery of property is claimed from a debtor who allegedly defaulted on his payments for personal property purchased under a conditional sale contract, a purchase money security agreement or on a loan secured by personal property, an order of seizure and delivery to the plaintiff for that property expires 60 days after it is issued. (C.C.P., s. 178; Code, s. 323; Rev., s. 792; C.S., s. 832; 1973, c. 472, s. 1; 1985, c. 736; 1999-216, s. 6.)

§ 1-474.1. Notice of hearing; waiver; permissible form of notice and waiver.

(a) The clerk of court, upon the request of the plaintiff, shall issue a notice to the defendant setting a time and place for a hearing before the clerk which shall not be less than 10 days from the date of service of said notice upon the defendant. The notice shall be served on the defendant in any manner provided by the Rules of Civil Procedure for the service of summons. Upon the request of the plaintiff the notice shall contain an order enjoining the defendant from willfully disposing of the property in any manner, from removing or permitting the removal of the property from the State of North Carolina, or from causing or permitting willful damage or destruction of the property. If in a trial on the merits it is determined that the plaintiff was entitled to the possession of the property, and the defendant after service of notice of the hearing shall have willfully disposed of the property, removed or permitted the removal of the property from the State of North Carolina, or caused or permitted its willful damage or

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Michal Rosen-Zvi



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Chapters 69-111 Massachusetts. Commissioners on the Revision of the Statutes,1858 *S. 3128 : the National Uniformity for Food Act : hearing* , Consolidated Statutes of North Carolina North Carolina,1919 *Consolidated Statutes of North Carolina, Prepared Under Public Laws 1917, Chapter 252, and Public Laws 1919, Chapter 238* North Carolina,1920 Consolidated Statutes of North Carolina, Prepared Under Chapter Two Hundred and Fifty-two of the Laws of Nineteen Hundred and Seventeen North Carolina,1919 *State Building Regulatory Programs for Mobile Homes and Manufactured Buildings* Center for Building Technology. Office of Building Standards and Codes Service,Patrick W. Cooke,1974 **American Water Resources Administration** , *The General Statutes of North Carolina* North Carolina,1985 Public Laws and Resolutions of the State of North Carolina Passed by the General Assembly North Carolina,1901 **General Statutes of North Carolina Annotated** North Carolina,2007 **Session Laws and Resolutions** North Carolina,1901 High-Stakes Reform Kathryn A. McDermott,2011-07-13 Performance accountability has been the dominant trend in education policy reform since the 1970s State and federal policies set standards for what students should learn require students to take high stakes tests to measure what they have learned and then hold students schools and school districts accountable for their performance The goal of these policies is to push public school districts to ensure that all students reach a common threshold of knowledge and skills High Stakes Reform analyzes the political processes and historical context that led to the enactment of state level education accountability policies across the country It also situates the education accountability movement in the broader context of public administration research emphasizing the relationships among equity accountability and intergovernmental relations The book then focuses on three in depth case studies of policy development in Massachusetts New Jersey and Connecticut Kathryn McDermott zeroes in on the most controversial and politically charged forms of state performance accountability sanctions including graduation tests direct state intervention in or closing of schools and state takeovers of school districts Public debate casts performance accountability as either a cure for the problems of US public education or a destructive mistake Kathryn McDermott expertly navigates both sides of the debate detailing why particular policies became popular how the assumptions behind the policies influenced the forms they took and what practitioners and scholars can learn from the successes and failures of education accountability policies **Comparative Charts of State Statutes Illustrating Barriers to Trade Between States** Marketing Laws Survey (U.S.),1939 The primary purpose of the survey is the compilation review and analysis of the text of all the State laws directly affecting the marketing of goods from the point of production to the point of consumption cover verso **State Administrative Supervision Over Cities in the United States** Schuyler Crawford Wallace,1928 An in depth look at the relationship between states and the cities for which they are responsible Includes an evaluation of the role states play in issues such as finances health and education *Public Laws and Private Laws of the State of North Carolina*

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