

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 212
SENATE BILL 209

AN ACT TO AMEND THE GENERAL STATUTES TO PROVIDE EXPRESS AUTHORIZATION FOR JOINT AGENCIES TO PLEDGE, ASSIGN, MORTGAGE OR OTHERWISE GRANT A SECURITY INTEREST IN ANY REAL OR PERSONAL PROPERTY OR ANY INTEREST THEREIN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 159B-11(8) is rewritten to read:

"(8) To pledge, assign, mortgage or otherwise grant a security interest in any real or personal property or interest therein, including the right and power to pledge, assign or otherwise grant a security interest in any money, rents, charges or other revenues and any proceeds derived by the joint agency from the sales of property, insurance or condemnation awards."

Sec. 2. G.S. 159B-17(c) is rewritten to read:

"(c) Any pledge of revenues, securities or other moneys made by a municipality or joint agency pursuant to this Chapter shall be valid and binding from the date the pledge is made. The revenues, securities, and other moneys so pledged and then held or thereafter received by the municipality or joint agency or any fiduciary shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the municipality or joint agency without regard to whether such parties have notice thereof. The resolution or trust agreement or any financing statement, continuation statement or other instrument by which a pledge of revenues, securities or other moneys is created need not be filed or recorded in any manner."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1985.