

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 515
SENATE BILL 521

AN ACT TO PROVIDE FOR THE SIMULTANEOUS FORECLOSURE OF TWO OR
MORE DEEDS OF TRUST SECURED BY THE SAME PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. A new section is added to Chapter 45 of the General Statutes, to be numbered and to read as follows:

"§ 45-21.9A. **Simultaneous foreclosure of two or more instruments.**—When the same property secures two or more mortgages or deeds of trust held by the same person, and there are no intervening liens, except for ad valorem taxes, between such mortgages or deeds of trust, the obligations secured by such mortgages or deeds of trust may be combined and the property sold once to satisfy the combined obligations if (i) powers of sale are provided in all such instruments; (ii) there is no provision in any such instrument which would not permit such a procedure; (iii) all the terms of all such instruments requiring compliance by the lender in connection with foreclosure sales are complied with; and (iv) all requirements of this Chapter governing power of sale foreclosures are met with respect to all such instruments. The proceeds of any sale shall be applied as provided in this Chapter. As between the combined obligations being foreclosed, proceeds shall be applied in the order of priority of the instruments securing them, and any deficiencies shall be determined accordingly."

Sec. 2. This act shall become effective July 1, 1985, and shall apply to sales conducted on or after that date.

In the General Assembly read three times and ratified, this the 1st day of July, 1985.