

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 425
HOUSE BILL 641

AN ACT TO REDEFINE THE NEWSPAPERS ELIGIBLE TO ACCEPT LEGAL
ADVERTISING IN THE TOWNS OF MINT HILL, AND MATTHEWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-597 reads as rewritten:

"§ 1-597. Regulations for newspaper publication of legal notices, advertisements, etc.—Whenever a notice of any other paper, document or legal advertisement of any kind or description shall be authorized or required by any of the laws of the State of North Carolina, heretofore or hereafter enacted, or by any order or judgment of any court of this State to be published or advertised in a newspaper, such publication, advertisement or notice shall be of no force and effect unless it shall be published in a newspaper with a general circulation ~~to actual paid subscribers~~ which newspaper at the time of such publication, advertisement or notice, shall have been admitted to the United States mails as second-class matter in the county or political subdivision where such publication, advertisement or notice is required to be published, and which shall have been regularly and continuously issued in the county in which the publication, advertisement or notice is authorized or required to be published, at least one day in each calendar week for at least 25 of the 26 consecutive weeks immediately preceding the date of the first publication of such advertisement, publication or notice; provided that in the event that a newspaper otherwise meeting the qualifications and having the characteristics prescribed by G.S. 1-597 to 1-599, should fail for a period not exceeding four weeks in any calendar year to publish one or more of its issues such newspaper shall nevertheless be deemed to have complied with the requirements of regularity and continuity of publication prescribed herein. Provided further, that in the event the newspaper otherwise meeting the qualifications and having the characteristics prescribed by G.S. 1-597 to 1-599, is admitted to the United States mails as third class matter rather than second class matter, the newspaper shall qualify if it maintains a known office in the county or political subdivision where such publication, advertisement or notice is required to be published, is originated and published for the purpose of disseminating information of a public character, is not primarily designed for advertising purposes, does not contain more than seventy-five percent (75%) advertising in more than one-fourth of the issues published during the preceding six-month period. Provided further, that where any city or town is located in two or more adjoining counties, any newspaper published in such city or town shall, for the purposes of G.S. 1-597 to 1-599, be deemed to be admitted to the mails, issued and published in all such counties in which such town or city of publication is located, and every publication, advertisement or notice

required to be published in any such city or town or in any of the counties where such city or town is located shall be valid if published in a newspaper published, issued and admitted to the mails anywhere within any such city or town, regardless of whether the newspaper's plant or known office or the post office where the newspaper is admitted to the mails is in such county or not, if the newspaper otherwise meets the qualifications and requirements of G.S. 1-597 to 1-599. This provision shall be retroactive to May 1, 1940, and all publications, advertisements and notices published in accordance with this provision since May 1, 1940, are hereby validated.

Notwithstanding the provisions of G.S. 1-599, whenever a notice or any other paper, document or legal advertisement of any kind or description shall be authorized or required by any of the laws of the State of North Carolina, heretofore or hereafter enacted, or by any order or judgment of any court of this State to be published or advertised in a newspaper qualified for legal advertising in a county and there is no newspaper qualified for legal advertising as defined in this section in such county, then it shall be deemed sufficient compliance with such laws, order or judgment by publication of such notice or any other such paper, document or legal advertisement of any kind or description in a newspaper published in an adjoining county or in a county within the same judicial district; provided, if the clerk of the superior court finds as a fact that such newspaper otherwise meets the requirements of this section and has a general circulation in such county where no newspaper is published meeting the requirements of this section."

Sec. 2. This act applies to the Towns of Mint Hill and Matthews only and only applies to notices or legal advertisements of those towns.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 19th day of June, 1987.