

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 476
HOUSE BILL 781

AN ACT TO PERMIT THE CITY OF DURHAM TO PROCEED WITH
CONDEMNATION OF REAL PROPERTY WHEN OWNERSHIP IS
TRANSFERRED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 40A-40 reads as rewritten:

"§ 40A-40. Notice of action.

Not less than 30 days prior to the filing of a complaint under the provisions of G.S. 40A-41, a public condemnor listed in G.S. 40A-3(b) or (c) shall provide notice to each owner (whose name and address can be ascertained by reasonable diligence) of its intent to institute an action to condemn property. (The notice shall be sent to each owner by certified mail, return receipt requested. The providing of notice shall be complete upon deposit of the notice enclosed in a postpaid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service. Notice by publication is not required. Notice to an owner whose name and/or address cannot be ascertained by reasonable diligence is not required in any manner.)

The notice shall contain a general description of the property to be taken and of the amount estimated by the condemnor to be just compensation for the property to be condemned. The notice shall also state the purpose for which the property is being condemned and the date condemnor intends to file the complaint.

An owner who receives a notice of the city's intent to institute an action shall disclose the notice to any subsequent purchaser if the transfer of the property is made between the receipt of the notice and the filing of the complaint. An owner who fails to disclose the notice shall be guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100.00). Any contract for purchase for sale between the owner and any subsequent purchaser shall be voidable if any owner fails to make the disclosure required by this section prior to transfer of the property.

Where the condemnor has complied with the applicable provisions of this section and ownership of the property changes before the complaint is filed, the condemnor is not required to provide notice pursuant to this section to the new owners as a prerequisite to filing the complaint."

Sec. 2. This act applies to the City of Durham only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 23rd day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives