

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 736

Short Title: Atty. Fees/Statutory Lien Actions.

(Public)

Sponsors: Senator Odom.

Referred to: Judiciary III.

April 3, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE ATTORNEY'S FEES TO PREVAILING PARTIES IN
ACTIONS RELATING TO STATUTORY LIENS ON REAL PROPERTY AND
PAYMENT AND PERFORMANCE BONDS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 44A of the General Statutes is amended by adding a new
section to read:

"§ 44A-35. Attorney's fees.

In any suit brought or defended under the provisions of Article 2 or Article 3 of
this Chapter, the presiding judge may allow a reasonable attorney's fee to the attorney
representing the prevailing party. This attorney's fee is to be taxed as part of the court
costs and be payable by the losing party upon a finding that there was an unwarranted
refusal by the losing party to fully resolve the matter which constituted the basis of the
suit or the basis of the defense."

Sec. 2. This act is effective upon ratification and shall apply to actions filed
on or after that date.