

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 977
Committee Substitute Favorable 5/7/93
Senate Committee Substitute Adopted 6/14/94

Short Title: Entry of Judgment Rule.

(Public)

Sponsors:

Referred to:

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND THE ENTRY OF JUDGMENT RULE, RULE 58 OF THE
RULES OF CIVIL PROCEDURE, AS REQUESTED BY THE NORTH
CAROLINA BAR ASSOCIATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1A-1, Rule 58, reads as rewritten:

"Rule 58. Entry of judgment.

Subject to the provisions of Rule 54(b): ~~Upon a jury verdict that a party shall recover only a sum certain or costs or that all relief shall be denied or upon a decision by the judge in open court to like effect, the clerk, in the absence of any contract direction by the judge, shall make a notation in his minutes of such verdict or decision and such notation shall constitute the entry of judgment for the purposes of these rules. The clerk shall forthwith prepare, sign, and file the judgment without awaiting any direction by the judge.~~

~~In other cases where judgment is rendered in open court, the clerk shall make a notation in his minutes as the judge may direct and such notation shall constitute the entry of judgment for the purposes of these rules. The judge shall approve the form of the judgment and direct its prompt preparation and filing.~~

~~In cases where judgment is not rendered in open court, entry of judgment for the purposes of these rules shall be deemed complete when an order for the entry of judgment is received by the clerk from the judge, the judgment is filed and the clerk mails notice of its filing to all parties. The Clerk's notation on the judgment of the time~~

1 ~~of mailing shall be prime facie evidence of mailing and the time thereof.~~ Rule 54(b), a
2 judgment is entered when it is reduced to writing, signed by the judge, and filed with the
3 clerk of court. The party designated by the judge or, if the judge does not otherwise
4 designate, the party who prepares the judgment, shall serve a copy of the judgment upon
5 all other parties within three days after the judgment is entered. Service and proof of
6 service shall be in accordance with Rule 5. If service is by mail, three days shall be
7 added to the time periods prescribed by Rule 50(b), Rule 52(b), and Rule 59. All time
8 periods within which a party may further act pursuant to Rule 50(b), Rule 52(b), or Rule
9 59 shall be tolled for the duration of any period of noncompliance with this service
10 requirement. Consent for the signing and entry of a judgment out of term, session,
11 county, or district shall be deemed to have been given unless an express objection to
12 such action was made on the record prior to the end of the term or session at which the
13 matter was heard."

14 Sec. 2. This act becomes effective October 1, 1994, and applies to all
15 judgments subject to entry on or after that date.