

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 158
SENATE BILL 309

AN ACT TO PROVIDE FOR THE FILING OF NOTICES OF LIS PENDENS IN THE
ENFORCEMENT OF HOUSING AND BUILDING STANDARDS BY CITIES
AND COUNTIES.

The General Assembly of North Carolina enacts:

Section 1. Article 11 of Chapter 1 of the General Statutes is amended by adding a new section to read:

"§ 1-120.2. Filing of notice by cities and counties in certain cases.

The governing body of a city or county may, by ordinance under Part 5 of Article 19 of Chapter 160A of the General Statutes relating to building inspection, or Part 6 of Article 19 of Chapter 160A relating to minimum housing standards, or Part 4 of Article 18 of Chapter 153A relating to building inspection, provide that upon the issuance of a complaint and notice of hearing or order pursuant thereto, a notice of lis pendens, with a copy of the complaint and notice of hearing or order attached thereto, may be filed in the office of the clerk of superior court of the county where the property is located. When a notice of lis pendens and a copy of the complaint and notice of hearing or order is filed with the clerk of superior court, it shall be indexed and cross-indexed in accordance with the indexing procedures of G.S. 1-117. From the date and time of indexing, the complaint and notice of hearing or order shall be binding upon the successors and assigns of the owners of and parties in interest in the building or dwelling. A copy of the notice of lis pendens shall be served upon the owners and parties in interest in the building or dwelling at the time of filing in accordance with G.S. 160A-428, 160A-445, or 153A-368 as applicable. The notice of lis pendens shall remain in full force and effect until cancelled. The ordinance may authorize the cancellation of the notice of lis pendens under certain circumstances. Upon receipt of notice from the city, the clerk of superior court shall cancel the notice of lis pendens."

Sec. 2. Chapter 221 of the Session Laws of 1987, as amended by Chapter 1038, Session Laws of 1987 and Chapter 418, Session Laws of 1989, is repealed.

Sec. 3. Section 7.2 of the Charter of the City of Gastonia, as revised by Chapter 557, Session Laws of 1991, is repealed.

Sec. 4. Section 3 of Chapter 532 of the 1991 Session Laws is repealed.

Sec. 5. This act becomes effective October 1, 1995. This act does not affect any notices or orders that were filed under any provisions repealed by this act.

In the General Assembly read three times and ratified this the 5th day of June, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives