

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE DRH30244-RU-5 (1/11)

Short Title: Homeowner Association Attorneys' Fees.

(Public)

Sponsors: Representative Stam.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO DEFINE REASONABLE ATTORNEYS' FEES UNDER THE NORTH CAROLINA CONDOMINIUM ACT AND THE NORTH CAROLINA PLANNED COMMUNITY ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 47C-3-116(e) reads as rewritten:

"(e) A judgment, decree or order in any action brought under this section must include costs and may include reasonable attorney's fees for the prevailing party-party in an amount not to exceed the amount in controversy. The amount in controversy means the principal obligation due at the time of the filing of the proceeding together with interest on the principal amount actually accrued through the date of the order or judgment."

SECTION 2. G.S. 47C-4-117 reads as rewritten:

"§ 47C-4-117. Effect of violations on rights of action; attorney's fees.

If a declarant or any other person subject to this chapter fails to comply with any provision hereof or any provision of the declaration or bylaws, any person or class of person adversely affected by that failure has a claim for appropriate relief. ~~The~~ Except as otherwise provided for in G.S. 47C-3-116(e), the court may award reasonable attorney's fees to the prevailing party."

SECTION 3. G.S. 47F-3-116(e) reads as rewritten:

"(e) A judgment, decree, or order in any action brought under this section shall include costs and may include reasonable attorneys' fees for the prevailing party-party in an amount not to exceed the amount in controversy. The amount in controversy means the principal obligation due at the time of the filing of the proceeding together with interest on the principal amount actually accrued through the date of the order or judgment."

1 **SECTION 4.** This act becomes effective October 1, 2005, and applies to
2 actions filed on or after that date.