

March 17, 2009

H 630. SUMMARY EJECTMENT/TRIALS. Filed 3/17/09. *PROVIDING THAT THE TRIAL IN A SUMMARY EJECTMENT PROCEEDING MAY COMMENCE NOT SOONER THAN FORTY-EIGHT HOURS AFTER SERVICE OF THE COMPLAINT AND SUMMONS ON THE DEFENDANT.*

Enacts new GS 42-30.1 as title indicates. Provides that the time frame excludes weekends and legal holidays. Effective October 1, 2009.

Intro. by Sutton.

GS 42

March 30, 2009

H 630. SUMMARY EJECTMENT/TRIALS. Filed 3/17/09. House committee substitute makes the following changes to 1st edition.

Amends proposed GS 42-30.1 to provide that the trial in a summary ejectment proceeding may not begin sooner than two days (was 48 hours), excluding weekends and legal holidays, after the date of service of the complaint and summons on the defendant. Makes conforming change to the title.

April 16, 2009

H 630. SUMMARY EJECTMENT/TRIALS. Filed 3/17/09. House committee substitute makes the following changes to 2nd edition. Deletes proposed new GS 42-30.1, which provided that the trial in a summary ejectment proceeding may be continued by the magistrate to provide at least two days, excluding weekends and holidays, from the date of service to the date of trial. Amends GS 42-29 (Service of summons in a summary ejectment) to require that if the officer receiving the summons does not attempt to telephone a defendant, or the attempt is unsuccessful or does not result in service to the defendant, the officer must make at least one visit to the defendant's place of abode within five days of the issuance of the summons, *but at least two days prior to the day the defendant is required to appear to answer the complaint, excluding weekends and holidays*, at a time reasonably calculated to find the defendant at the place of abode to attempt personal delivery of service. Clarifies that the act applies to actions filed on or after October 1, 2009. Makes a technical change to the title.

April 20, 2009

H 630. SUMMARY EJECTMENT/TRIALS. Filed 3/17/09. House amendment makes the following changes to 3rd edition.

Amends GS 42-29 (service of summons in a summary ejectment) to require that if the officer receiving the summons does not attempt to telephone a defendant or if the attempt is unsuccessful or does not result in service to the defendant, the officer must make at least one visit to the defendant's place of residence within five days of the issuance of the summons, but at least two days prior to the day the defendant is required to appear to answer the complaint, excluding holidays (was, excluding weekends and holidays), at a time reasonably calculated to find the defendant at the place of abode to attempt personal delivery of service.

July 2, 2009

SL 2009-246 (H 630). SUMMARY EJECTMENT/TRIALS. *AN ACT PROVIDING THAT THE TRIAL IN A SUMMARY EJECTMENT PROCEEDING MAY COMMENCE NOT SOONER THAN TWO BUSINESS DAYS AFTER SERVICE OF THE COMPLAINT AND SUMMONS ON THE DEFENDANT.* Summarized in *Daily Bulletin* 3/17/09, 3/30/09, 4/16/09, and 4/20/09. Enacted June 30, 2009. Effective October 1, 2009.