

February 3, 2009

H 40. SUMMARY EJECTMENT/APPEALS. Filed 2/3/09. *REQUIRING THAT NOTICE OF APPEAL FROM A MAGISTRATE'S JUDGMENT IN A SUMMARY EJECTMENT PROCEEDING BE GIVEN WITHIN FIVE DAYS AFTER ENTRY OF JUDGMENT.*

Amends GS 7A-228 to create an exception for summary ejectment proceedings by requiring filing within 5 days after entry of the magistrate's judgment instead of the 10-day superior court filing deadline for a written notice of appeal in other proceedings. Also decreases the time allowed to pay the costs of appeal to within 10 days (20 days for other proceedings) after entry of the judgment in a summary ejectment proceeding. Requires that a person desiring to appeal a summary ejectment proceeding as an indigent file an affidavit within 5 days after the judgment (10 days for other proceedings) and that authorization for appeal as an indigent be made within 10 days (20 days for other proceedings) by a judge, magistrate, or superior court clerk. Makes conforming changes.

Intro. by Moore.

GS 7A

May 6, 2009

H 40. SUMMARY EJECTMENT/APPEALS. Filed 2/3/09. House committee substitute makes the following changes to 1st edition. Changes effective date to October 1, 2009, and applies to appeals filed on or after that date.