

1 **"§ 1-474. Order of seizure and delivery to plaintiff.**

2 (a) Order. – The clerk of court may, upon notice and hearing as provided in
3 G.S. 1-474.1 and upon the giving by the plaintiff of the undertaking prescribed in G.S. 1-475,
4 require the sheriff of the county where the property claimed is located to take the property from
5 the defendant and deliver it to the plaintiff. The act of the clerk in issuing or refusing to issue
6 the order to the sheriff is a judicial act and may be appealed pursuant to G.S. 1-301.1 to the
7 judge of the district or superior court having jurisdiction of the principal action.

8 (b) Expiration of Certain Orders. – When delivery of property is claimed from a debtor
9 who allegedly defaulted on his payments for personal property purchased under a conditional
10 sale contract, a purchase money security agreement or on a loan secured by personal property,
11 an order of seizure and delivery to the plaintiff for that property expires 60 days after it is
12 issued.

13 (c) Fee Deposit. – Upon issuance of the order described in subsection (a) of this section,
14 a fee deposit shall be collected by the sheriff from the plaintiff to offset the reasonable and
15 necessary fees and expenses for taking and storing the property seized pursuant to this Article."

16 **SECTION 3.(b)** G.S. 1-476 reads as rewritten:

17 **"§ 1-476. Sheriff's duties.**

18 Upon the receipt of the order from the clerk with the plaintiff's ~~undertaking,~~ undertaking
19 and the fee deposit described in G.S. 1-474(c), the sheriff shall forthwith take the property
20 described in the affidavit, if it is in the possession of the defendant or his agent, and retain it in
21 his custody. He shall also, without delay, serve on the defendant a copy of the affidavit, notice,
22 and undertaking, by delivering the same to him personally, if he can be found, or to his agent,
23 from whose possession the property is taken; or, if neither can be found, by leaving them at the
24 usual place of abode of either, with some person of suitable age and discretion."

25 **SECTION 3.(c)** G.S. 1-481 reads as rewritten:

26 **"§ 1-481. Care and delivery of seized property.**

27 When the sheriff has taken property, as provided in this Article, he must keep it in a secure
28 place, and deliver it to the party entitled thereto, upon receiving his lawful fees for taking and
29 his necessary expenses for keeping ~~it;~~ the property, minus any amount received pursuant to
30 G.S. 1-474(c). If the amount due under this section is less than the amount received pursuant to
31 G.S. 1-474(c), then the sheriff shall return the excess amount to the depositor. In the event that
32 a third party intervener is entitled to possession of the property, any amount received pursuant
33 to G.S. 1-474(c) shall be returned to the depositor."

34 **SECTION 4.** This act becomes effective October 1, 2015.