

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 307

Short Title: District Court Limits.

(Public)

Sponsors: Senators Soles; and Sands.

Referred to: Judiciary II.

February 27, 1989

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE AMOUNT IN CONTROVERSY OF DISTRICT COURT TO TWENTY-FIVE THOUSAND DOLLARS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-243 reads as rewritten:

**"§ 7A-243. Proper division for trial of civil actions generally determined by amount in controversy.**

Except as otherwise provided in this Article, the district court division is the proper division for the trial of all civil actions in which the amount in controversy is ~~ten thousand dollars (\$10,000)~~ twenty-five thousand dollars (\$25,000) or less; and the superior court division is the proper division for the trial of all civil actions in which the amount in controversy exceeds ~~ten thousand dollars (\$10,000)~~ twenty-five thousand dollars (\$25,000).

For purposes of determining the amount in controversy, the following rules apply whether the relief prayed is monetary or nonmonetary, or both, and with respect to claims asserted by complaint, counterclaim, cross-complaint or third-party complaint:

- (1) The amount in controversy is computed without regard to interest and costs.
- (2) Where monetary relief is prayed, the amount prayed for is in controversy unless the pleading in question shows to a legal certainty that the amount claimed cannot be recovered under the applicable measure of damages. The value of any property seized in attachment, claim and delivery, or other ancillary proceeding, is not in controversy and is not considered in determining the amount in controversy.

- 1           (3)   Where no monetary relief is sought, but the relief sought would  
2           establish, enforce, or avoid an obligation, right or title, the value of the  
3           obligation, right, or title is in controversy. Where the owner or legal  
4           possessor of property seeks recovery of property on which a lien is  
5           asserted pursuant to G.S. 44A-4(a) the amount in controversy is that  
6           portion of the asserted lien which is disputed. The judge may require  
7           by rule or order that parties make a good faith estimate of the value of  
8           any nonmonetary relief sought.
- 9           (4)   a.   Except as provided in subparagraph c of this subdivision, where a  
10          single party asserts two or more properly joined claims, the claims are  
11          aggregated in computing the amount in controversy.
- 12          b.   Except as provided in subparagraph c, where there are two or  
13          more parties properly joined in an action and their interests are  
14          aligned, their claims are aggregated in computing the amount in  
15          controversy.
- 16          c.   No claims are aggregated which are mutually exclusive and in  
17          the alternative, or which are successive, in the sense that  
18          satisfaction of one claim will bar recovery upon the other.
- 19          d.   Where there are two or more claims not subject to aggregation  
20          the highest claim is the amount in controversy.
- 21          (5)   Where the value of the relief to a claimant differs from the cost thereof  
22          to an opposing party, the higher amount is used in determining the  
23          amount in controversy."

24   Sec. 2. This act shall become effective October 1, 1989.