

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 977

Short Title: Entry of Judgment Rule.

(Public)

Sponsors: Representative Hackney.

Referred to: Judiciary I.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND THE ENTRY OF JUDGMENT RULE, RULE 58 OF THE RULES OF CIVIL PROCEDURE, AS REQUESTED BY THE NORTH CAROLINA BAR ASSOCIATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1A-1, Rule 58, reads as rewritten:

"Rule 58. Entry of judgment.

Subject to the provisions of Rule 54(b): ~~Upon a jury verdict that a party shall recover only a sum certain or costs or that all relief shall be denied or upon a decision by the judge in open court to like effect, the clerk, in the absence of any contract direction by the judge, shall make a notation in his minutes of such verdict or decision and such notation shall constitute the entry of judgment for the purposes of these rules. The clerk shall forthwith prepare, sign, and file the judgment without awaiting any direction by the judge.~~

~~In other cases where judgment is rendered in open court, the clerk shall make a notation in his minutes as the judge may direct and such notation shall constitute the entry of judgment for the purposes of these rules. The judge shall approve the form of the judgment and direct its prompt preparation and filing.~~

~~In cases where judgment is not rendered in open court, entry of judgment for the purposes of these rules shall be deemed complete when an order for the entry of judgment is received by the clerk from the judge, the judgment is filed and the clerk mails notice of its filing to all parties. The Clerk's notation on the judgment of the time of mailing shall be prime facie evidence of mailing and the time thereof. A judgment is entered when the prepared judgment, signed by the judge before whom the case is~~

1 pending, is filed with the clerk of court. The party who prepared the judgment, in the
2 absence of any contrary direction by the judge, shall serve a copy of the judgment to all
3 parties within three days of the entry of judgment in the manner provided for service of
4 an order in Rule 5. When a copy of the judgment is not served to all parties according
5 to this rule, the judgment in the action shall be stayed after its entry until a copy of the
6 judgment is served to all parties."

7 Sec. 2. This act becomes effective October 1, 1993, and applies to all
8 judgments subject to entry on or after that date.