

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 977
Committee Substitute Favorable 5/7/93

Short Title: Entry of Judgment Rule.

(Public)

Sponsors:

Referred to:

April 19, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE ENTRY OF JUDGMENT RULE, RULE 58 OF THE
3 RULES OF CIVIL PROCEDURE, AS REQUESTED BY THE NORTH
4 CAROLINA BAR ASSOCIATION.

5 The General Assembly of North Carolina enacts:

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

7 "Rule 58. Entry of judgment.

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

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

19 ~~In cases where judgment is not rendered in open court, entry of judgment for the~~
20 ~~purposes of these rules shall be deemed complete when an order for the entry of~~
21 ~~judgment is received by the clerk from the judge, the judgment is filed and the clerk~~
22 ~~mails notice of its filing to all parties. The Clerk's notation on the judgment of the time~~
23 ~~of mailing shall be prime facie evidence of mailing and the time thereof. Rule 54(b), a~~

1 judgment is entered when it is reduced to writing, signed by the judge, and filed with the
2 clerk of court. The party designated by the judge or, if the judge does not otherwise
3 designate, the party who prepares the judgment, shall serve a copy of the judgment upon
4 all other parties within three days after the judgment is entered. Service and proof of
5 service shall be in accordance with Rule 5. All time periods within which a party may
6 further act pursuant to Rule 50(b), Rule 52(b), or Rule 59 shall be tolled for the duration
7 of any period of noncompliance with this service requirement."

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