

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS35208-LD-49 (03/24)

Short Title: Require Filing Written Judgment in 60 Days. (Public)

Sponsors: Senator Berger.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO DECREASE THE MAXIMUM NUMBER OF DAYS IN WHICH THE
WRITTEN JUDGMENT MUST BE SERVED UPON ALL OTHER PARTIES
FROM NINETY DAYS TO SIXTY DAYS.

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), a judgment is entered when it is reduced to writing, signed by the judge, and filed with the clerk of court. The party designated by the judge or, if the judge does not otherwise designate, the party who prepares the judgment, shall serve a copy of the judgment upon all other parties within three days after the judgment is entered. Service and proof of service shall be in accordance with Rule 5. If service is by mail, three days shall be added to the time periods prescribed by Rule 50(b), Rule 52(b), and Rule 59. All time periods within which a party may further act pursuant to Rule 50(b), Rule 52(b), or Rule 59 shall be tolled for the duration of any period of noncompliance with this service requirement, provided however that no time period under Rule 50(b), Rule 52(b), or Rule 59 shall be tolled longer than ~~90~~60 days from the date the judgment is entered. Consent for the signing and entry of a judgment out of term, session, county, and district shall be deemed to have been given unless an express objection to such action was made on the record prior to the end of the term or session at which the matter was heard.

Notwithstanding any other law to the contrary, any judgment entered by a magistrate in a small claims action pursuant to Article 19 of Chapter 7A shall be entered in accordance with this Rule except judgments announced and signed in open court at the conclusion of a trial are considered to be served on the parties, and copies of any judgment not announced and signed in open court at the conclusion of a trial shall be served by the magistrate on all parties in accordance with this Rule, within three days

1 after the judgment is entered. If service is by mail, three days shall be added to the time
2 periods prescribed by G.S. 7A-228. All time periods within which a party may further
3 act pursuant to G.S. 7A-228 shall be tolled for the duration of any period of
4 noncompliance of this service requirement, provided that no time period shall be tolled
5 longer than ~~90~~60 days from the date judgment is entered."

6 **SECTION 2.** This act becomes effective October 1, 2003, and applies to all
7 judgments entered on or after that date.