

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 586

Short Title: File Lis Pendens for Certain Erosion Actions. (Public)

Sponsors: Senators McKissick; Apodaca, Atwater, Brunstetter, Foriest, Forrester, Graham, Hartsell, Jones, and Stevens.

Referred to: Judiciary I.

March 12, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE FILING OF NOTICE OF PENDING LITIGATION FOR  
3 ACTIONS SEEKING INJUNCTIVE RELIEF REGARDING SEDIMENTATION AND  
4 EROSION CONTROL FOR ANY LAND-DISTURBING ACTIVITY THAT IS SUBJECT  
5 TO THE REQUIREMENTS OF ARTICLE 4 OF CHAPTER 113A OF THE GENERAL  
6 STATUTES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 1-116(a) reads as rewritten:

9 "(a) Any person desiring the benefit of constructive notice of pending litigation must file  
10 a separate, independent notice thereof, which notice shall be cross-indexed in accordance with  
11 G.S. 1-117, in all of the following cases:

- 12 (1) Actions affecting title to real ~~property;~~property.  
13 (2) Actions to foreclose any mortgage or deed of trust or to enforce any lien on  
14 real ~~property; and~~property.  
15 (3) Actions in which any order of attachment is issued and real property is  
16 attached.  
17 (4) Actions seeking injunctive relief under G.S. 113A-64.1 or G.S. 113A-65  
18 regarding sedimentation and erosion control for any land-disturbing activity  
19 that is subject to the requirements of Article 4 of Chapter 113A of the  
20 General Statutes."

21 **SECTION 2.** This act becomes effective October 1, 2009, and applies to actions  
22 filed on or after that date.

