

§ 1-507.29. Receiver as lien creditor; real estate recording; subsequent sales of real estate.

(a) Receiver as Lien Creditor. – As of the time of appointment, the receiver shall have the powers and priority as if it were a creditor that obtained a judicial lien at the time of appointment on all of the receivership property, subject to satisfying the recording requirements as to real property described in subsection (b) of this section. This power and priority shall be in addition to any vested interest in real property a receiver for property of a judgment debtor may obtain as a result of filing the receivership order in accordance with G.S. 1-364.

(b) Real Estate Recording. – If any interest in real estate is included in the receivership property, the receiver shall record a lis pendens as soon as practicable with the register of deeds of the county or counties in which the real property is situated. The priority of the receiver as lien creditor against real property shall be from the time of recording of the lis pendens, except in the case of another lien creditor that, before the recording of the lis pendens, obtains actual knowledge of the receiver's appointment demand, as to whom priority shall be from the time the lien creditor obtains actual knowledge.

(c) Subsequent Sales of Real Estate. – The recording of the notice of lis pendens in the office of the register of deeds of the county or counties in which the real property is situated, the order of the court authorizing the receiver to sell the real property, and the deed for the sale of the real property, duly executed by the receiver, shall be conclusive evidence of the authority of the receiver to sell and convey the real property described in the deed. (2020-75, s. 1.)