

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 881

Short Title: Workers' Comp Awards Filed as Judgments.

(Public)

Sponsors: Senator Soles.

Referred to: Judiciary I.

April 4, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT AGREEMENTS, ORDERS, AND FINAL AWARDS UNDER THE WORKERS' COMPENSATION ACT MAY BE ENTERED AS JUDGMENTS BY THE CLERK OF SUPERIOR COURT IN THE COUNTY IN WHICH THE INJURY OCCURRED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 97-87 reads as rewritten:

"§ 97-87. Filing agreements approved by Commission or awards; judgment in accordance therewith; discharge or restoration of lien.

Any party in interest may file in the superior court of the county in which the injury occurred a certified copy of a memorandum of agreement approved by the Commission, or of an order or decision of the Commission, or of an award of the Commission unappealed from or of an award of the Commission affirmed upon appeal, whereupon ~~said court shall render judgment in accordance therewith, and notify the parties. Such judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same, as though said judgment had been rendered in a suit duly heard and determined by said court:~~ Provided, if the judgment debtor shall file a certificate duly issued by the Industrial Commission showing compliance with G.S. 97-83 with the clerk of the superior court in the county or counties where such judgment is docketed, then such clerk shall make upon the judgment roll an entry showing the filing of such certificate which shall operate as a discharge of the lien of the said judgment, and no execution shall be issued thereon; provided, further, that if at any time there is default in the payment of any installment due under the award set forth in said judgment the court may, upon application for cause and after 10 days' notice to judgment debtor, order the lien of such judgment restored, and execution may be immediately issued thereon for past due installments and for future installments as they may become due. the clerk of superior court shall enter judgment accordingly."

SECTION 2. G.S. 1-209 reads as rewritten:

1 **"§ 1-209. Judgments authorized to be entered by clerk; sale of property;**
2 **continuance pending sale; writs of assistance and possession.**

3 The clerks of the superior courts are authorized to enter the following judgments:

- 4 (1) All judgments of voluntary nonsuit.
5 (2) All consent judgments.
6 (3) In all actions upon notes, bills, bonds, stated accounts, balances struck,
7 and other evidences of indebtedness within the jurisdiction of the
8 superior court.
9 (4) All judgments by default final and default and inquiry as are
10 authorized by Rule 55 of the Rules of Civil Procedure, and in this
11 section provided.
12 (5) In all cases where the clerks of the superior court enter judgment by
13 default final upon any debt secured by mortgage, deed of trust,
14 conditional sale contract or other conveyance of any kind, either real
15 or personal property, or by a pledge of property, the said clerks of the
16 superior court are authorized and empowered to order a foreclosure of
17 such mortgage, deed of trust, conditional sale contract, or other
18 conveyance, and order a sale of the property so conveyed or pledged
19 upon such terms as appear to be just; and the said clerks of the superior
20 court shall have all the power and authority now exercised by the
21 judges of the superior court to appoint commissioners to make such
22 sales, to receive the reports thereof, and to confirm the report of sale or
23 to order a resale, and to that end they are authorized to continue such
24 causes from time to time as may be required to complete the sale, and
25 in the final judgment in said causes they shall order the execution and
26 delivery of all necessary deeds and make all necessary orders
27 disbursing the funds arising from the sale, and may issue writs of
28 assistance and possession upon ten days' notice to parties in
29 possession. The commissioners appointed to make foreclosure sales, as
30 herein authorized, may proceed to advertise such sales immediately
31 after the date of entering judgment and order of foreclosure, unless
32 otherwise provided in said judgment and order.
33 (6) All agreements approved by the North Carolina Industrial Commission
34 under the Workers' Compensation Act, Article 1 of Chapter 97 of the
35 General Statutes; all orders or decisions of the North Carolina
36 Industrial Commission under the Workers' Compensation Act; and all
37 awards of the North Carolina Industrial Commission unappealed from
38 or affirmed upon appeal under the Workers' Compensation Act; that
39 are filed by any party in interest in the superior court of the county in
40 which the injury occurred.

41 In any tax foreclosure action pending on March 15, 1939 or thereafter brought under
42 the provisions of G.S. 105-414 in which there is filed no answer which seeks to prevent
43 entry of judgment of sale, the clerk of the superior court may render judgment of sale
44 and make all necessary subsequent orders and judgments to the same extent as

1 permitted by this section in actions brought to foreclose a mortgage. All such judgments
2 and orders heretofore rendered or made by a clerk of the superior court in such tax
3 foreclosure actions are hereby, as to the authority of the said clerk, ratified and
4 confirmed."

5 **SECTION 3.** This act is effective when it becomes law and applies to all
6 agreements approved by the North Carolina Industrial Commission under the Workers'
7 Compensation Act, Article 1 of Chapter 97 of the General Statutes that are approved on
8 or after that date; all orders or decisions of the North Carolina Industrial Commission
9 under the Workers' Compensation Act that are entered on or after that date; and all
10 awards of the North Carolina Industrial Commission unappealed from or affirmed upon
11 appeal under the Workers' Compensation Act that are awarded on or after that date.