

§ 1-394. Contested special proceedings; commencement; summons.

Special proceedings against adverse parties shall be commenced as is prescribed for civil actions. The summons shall notify the defendant or defendants to appear and answer the complaint or petition of the plaintiff within 10 days after its service upon the defendant or defendants, and must contain a notice stating in substance that if the defendant or defendants fail to answer the complaint or petition, within the time specified, the plaintiff will apply to the court for the relief demanded in the complaint or petition. The summons must run in the name of the State, be dated and signed by the clerk, assistant clerk, or deputy clerk of the superior court having jurisdiction in the special proceeding, be directed to the defendant or defendants, and be delivered for service to some proper person, as defined by G.S. 1A-1, Rule 4(a). The clerk shall indicate on the summons by appropriate words that the summons is issued in a special proceeding and not in a civil action. The manner of service is as prescribed for summons in civil actions by G.S. 1A-1, Rule 4. In partition proceedings under Chapter 46A of the General Statutes or where the defendant is an agency of the federal government, an agency of the State, a local government, or an agency of a local government, the time for filing an answer or other pleading is within 30 days after the date of service of summons or after the final determination of any motion required to be made prior to the filing of an answer. (1868-9, c. 93, s. 4; Code, ss. 279, 287; Rev., ss. 711, 712; C.S., s. 753; 1927, c. 66, s. 5; 1929, c. 50; c. 237, s. 3; 1939, c. 49, s. 2; c. 143; 1951, c. 783; 1961, c. 363; 1967, c. 954, s. 3; 1971, c. 1093, s. 17; 2009-362, s. 2; 2020-23, ss. 5, 8.)