

§ 1-440.23. Form of summons to garnishee.

The summons to garnishee shall be substantially in the following form:

State of North Carolina
_____ County

In the Superior Court

_____,
Plaintiff,
vs.

_____,
Defendant,
and

Summons to Garnishee

_____,
Garnishee.

To _____, Garnishee:

You are hereby summoned, as a garnishee of the defendant, _____, and required, within twenty days after the service of this summons upon you, to file a verified answer in the Office of the Clerk of the Superior Court of the above named county, at _____, North Carolina, showing –

- (1) Whether, at the time of the service of this summons upon you, or at any time since then until the date of your answer, you were indebted to the defendant or had any property of his in your possession and, if so, the amount and nature thereof; and
- (2) Whether, according to your knowledge, information or belief, any other person is indebted to the defendant or has any property of the defendant in his possession and, if so, the name of each such person.

In case of your failure to file such answer a conditional judgment will be rendered against you for the full amount for which the plaintiff has prayed judgment against the defendant, together with such amount as will be sufficient to cover the plaintiff's costs.

This the _____ day of _____, _____

(Here designate Clerk Superior
Court or Judge.)

(1947, c. 693, s. 1; 1999-456, s. 59.)