

**§ 14-159.52. Removal of unauthorized persons.**

(a) An expedited removal proceeding shall commence with the filing of a complaint and issuance of a summons in the county where the property is located. If the office of the clerk of the superior court is closed, the complaint shall be filed with, and the summons issued by, a magistrate. If the identity of the unauthorized person occupying the property is not known to the property owner or the authorized representative of the property owner, then the complaint and summons may properly be addressed to "John (and/or Jane) Doe and all Occupants." The complainant shall provide the summons and the complaint to the sheriff. The service of the summons and complaint for expedited removal shall be made by the sheriff on the unauthorized person personally or by posting a copy of the summons and complaint on the front door of the property and shall be made within 24 hours of the sheriff receiving the summons and complaint for service. The sheriff, upon service, shall promptly file a return. A hearing on the expedited removal shall be held before a magistrate in the county where the property is located as soon as practicable, but no more than 48 hours after such service. To the extent that the provisions of this Article conflict with the Rules of Civil Procedure, Chapter 1A of the General Statutes, with respect to the commencement of an action or service of process, this Article controls.

(b) If the court finds for the property owner or authorized representative of the property owner, the court shall immediately enter a written order granting the property owner or authorized representative of the property owner possession and stating the time when the unauthorized person shall vacate the property. In no case shall this time be more than four hours after service of the order on the unauthorized person. The court's order shall be served on the unauthorized person at the hearing. If the unauthorized person does not appear at the hearing or leaves before the order is served, the complainant shall provide a copy of the order to the sheriff and the order shall be served by delivering the order to the unauthorized person or by posting the order on the front door of the property by the sheriff within 24 hours of the sheriff receiving the order for service. The sheriff, upon service, shall file a return. (2025-88, s. 1.)