



Statutes of Limitation Index

RISK MANAGEMENT HANDOUTS OF
LAWYERS MUTUAL

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DISCLAIMER: *This document is written for general information only. It presents some considerations that might be helpful in your practice. It is not intended as legal advice or opinion. It is not intended to establish a standard of care for the practice of law. There is no guarantee that following these guidelines will eliminate mistakes. Law offices have different needs and requirements. Individual cases demand individual treatment. Due diligence, reasonableness and discretion are always necessary. Sound risk management is encouraged in all aspects of practice.*

INTRODUCTION

Following is a list of time limitations for various legal actions in North Carolina. This index was most recently updated in December 2009. It is not a substitute for legal research, but can be used as your first stop in locating the applicable statutory citations. In some situations, a case citation is listed as an additional research tool. In all matters, you

should review the statute and relevant case law to satisfy yourself about the correct limitations periods. A note has been made in several places regarding the complexity and relationship between statutes of repose and statutes of limitation, including but not limited to products liability and professional malpractice, which require your particular attention.

ABSENTEES

ACTION FOR COMPENSATION FROM ABSENTEE INSURANCE FUND

Time period: 3 years (after return of absentee)

N.C. GEN. STAT. § 28C-19(d)

[Persons under legally recognized disability (infancy or other disability) have one year after removal of disability to bring suit.]

ACTION BY ABSENTEE TO RECOVER PROPERTY

Time Period: 5 years (from date of finding of disappearance)

N.C. GEN. STAT. § 28C-11(c)

[If date of disappearance is more than four years prior to hearing at which permanent receiver appointed, 2 years from date of appointment of

BANKS

permanent receiver; 28C-14.]

ACTION ON REJECTED CLAIM AGAINST BANK IN LIQUIDATION

Time period: 90 days (after notice of claim rejection served)

N.C. GEN. STAT. § 53-20(k)

N.C. GEN. STAT. § 53-75

ACTIONS AGAINST BANK DIRECTORS OR STOCKHOLDERS

Time period: 3 years (after discovery of facts upon which claim based)

N.C. GEN. STAT. § 1-33

OBJECTION TO STATEMENT OF ACCOUNT FROM BANK TO DEPOSITOR

Time period: 5 years

BONDS

ACTION ON PAYMENT BOND

Time period: 1 year (from later date of last labor performed, last material furnished by claimant, or final settlement with contractor)

N.C. GEN. STAT. § 44A-28(b)

See *Tipton & Young Constr. Co. v. Blue Ridge Structure Co.*, 116 N.C. App. 115, 446 S.E.2d 603 (1994), *aff'd*, 340 N.C. 257, 456 S.E.2d 308 (1995).

ACTION AGAINST EXECUTOR, ADMINISTRATOR, COLLECTOR OR GUARDIAN ON OFFICIAL BOND

Time period: 6 years (after auditing and filing of audited account)

N.C. GEN. STAT. § 1-50(a)(2)

ACTION CONTESTING VALIDITY OF BOND REFERENDUM

Time period: 30 days (after publication of referendum results)

N.C. GEN. STAT. § 159-62

See *Citizens Ass'n for Reasonable Growth v. City of Washington*, 45 N.C. App. 7, 262 S.E.2d 343, *cert. denied*, 300 N.C. 195, 269 S.E.2d 622 (1980).

ACTION TO SET ASIDE LOCAL GOVERNMENT BOND ORDER

Time period: 30 days (after publication of bond order as adopted)

N.C. GEN. STAT. § 159-59

ACTION UPON OFFICIAL BOND OF A PUBLIC OFFICER

Time period: 3 years

N.C. GEN. STAT. § 1-52(1)(a)

[*Note: The statute of limitations was previously 6 years under N.C. GEN. STAT. § 1-50(a)(1), but the statute was repealed by Session Laws 1997-297, s. 1.*]

ACTION AGAINST SURETY OF EXECUTOR, ADMINISTRATOR, COLLECTOR, OR GUARDIAN ON OFFICIAL BOND OF PRINCIPAL

Time period: 3 years (after breach)

N.C. GEN. STAT. § 1-52(6)

CONSTRUCTION

PRIVATE PROJECTS:

CLAIM OF LIEN

Time Period: 120 days (after last furnishing of labor or materials to the project site)

N.C. GEN. STAT. § 44A-12

ENFORCEMENT OF LIEN

Time Period: 180 days (after last furnishing of labor or materials to the project site)

N.C. GEN. STAT. § 44A-13

See *Lynch v. Price Homes, Inc.*, 156 N.C. App. 83, 575 S.E.2d 543 (2003).

PUBLIC PROJECTS:

ACTION ON PAYMENT BOND

Time period: 1 year (from later date of last labor performed, last material furnished by claimant, or final settlement with contractor)

N.C. GEN. STAT. § 44A-28(b)

See *Tipton & Young Constr. Co. v. Blue Ridge Structure Co.*, 116 N.C. App. 115, 446 S.E.2d 603 (1994), *aff'd* 340 N.C. 257, 456 S.E.2d 308 (1995) and *Cencomp, Inc. v. Webcon, Inc.*, 157 N.C. App. 501, 579 S.E.2d 482 (2003).

CONTRACTS

ACTION FOR BREACH OF CONTRACT FOR SALE OF GOODS

Time period: 4 years (after the cause of action has accrued)

N.C. GEN. STAT. § 25-2-725(1)

[Parties may agree to reduce to not less than one year, but may not extend period.]

EXPRESS OR IMPLIED CONTRACTS

Time Period: 3 years (after breach)

N.C. GEN. STAT. § 1-52(1)

See Miller v. Randolph, 124 N.C. App. 779, 478 S.E.2d 668 (1996) and *Jones v. G.E. Life & Annuity Assur. Co.* (M.D.N.C. Mar. 17, 2004).

ACTION UPON SEALED INSTRUMENT AGAINST PRINCIPAL

Time period: 10 years

N.C. GEN. STAT. § 1-47(2)

ACTION AGAINST BAIL

Time period: 3 years (after judgment against the principal)

N.C. GEN. STAT. § 1-52(7)

CORPORATIONS

ACTION AGAINST CORPORATION OR STOCKHOLDER ON ACCOUNT OF DIVIDENDS

Time period: 6 years

N.C. GEN. STAT. § 1-50(a)(4)

NOTE: As to limitations period for unknown and certain other claims against a dissolved corporation, see N.C. GEN. STAT. § 55-14-07, as the limitations period may be less than 6 years.

ACTION AGAINST CORPORATE DIRECTORS FOR UNLAWFUL DISTRIBUTION

Time period: 3 years (from date on which effect of distribution measured)

N.C. GEN. STAT. § 55-8-33(c)

CRIMINAL

MISDEMEANORS (INCLUDING DECEIT, MALICIOUS MISCHIEF, AND PETIT LARCENY)

Time period: 2 years (after commission of crime)

N.C. GEN. STAT. § 15-1

[If no judgment can be given on indictment found within two years, state may institute another prosecution for same offense within one year after abandoning the first. This exception does not apply to defective warrants. See State v. Madry, 140 N.C. App. 600, 537 S.E.2d 827 (2000).]

[However, where paternity judicially determined within 3 years after birth, the period is any time before child reaches 18; Or where the father previously made support payments within 3 years after birth, period is 3 years after date of last payment, but before the child reaches 18.]

See State v. Robinson, 245 N.C. 10, 95 S.E.2d 126 (1956).

NONSUPPORT OF ILLEGITIMATE CHILD BY FATHER

Time period: 3 years (after birth)

N.C. GEN. STAT. § 49-4

NONSUPPORT OF ILLEGITIMATE CHILD BY MOTHER

Time period: Anytime before child reaches 18

N.C. GEN. STAT. § 49-4

See State v. Robinson, 245 N.C. 10, 95 S.E.2d 126 (1956).

EMPLOYMENT

FILING COMPLAINT WITH COMMISSIONER OF LABOR FOR RETALIATORY EMPLOYMENT DISCRIMINATION

Time period: 180 days (from the violation)
 N.C. GEN. STAT. § 95-242(a)
See Wilkerson v. Pilkington N. Am., Inc., 211 F.Supp.2d 700 (M.D.N.C. 2002) and *Brackett v. SGL Carbon Corp.*, 158 N.C. App. 252, 580 S.E.2d 757 (2003).

COMMENCEMENT OF CIVIL ACTION UNDER REDA

Time period: 90 days (from right to sue letter)
 N.C. GEN. STAT. § 95-243
See Brackett v. SGL Carbon Corp., 158 N.C. App. 252, 580 S.E.2d 757 (2003).

WRONGFUL DISCHARGE

Time period: 3 years
 N.C. GEN. STAT. § 1-52(5)
See Williams v. Blue Cross Blue Shield, 357 N.C. 170, 581 S.E.2d 415 (2003).

CHARGE FILED WITH THE EEOC

Time period: 180 days (from the unlawful employment practice)
 42 U.S.C. § 2000e-5(e)(1); 29 U.S.C. § 626(d); 42 U.S.C. § 12117(a)

COMMENCEMENT OF CIVIL ACTION UNDER TITLE VII OR ADA

Time period: 90 days (from EEOC's right to sue letter)
 42 U.S.C. § 2000e-5(f); 42 U.S.C. § 12117(a)

COMMENCEMENT OF CIVIL ACTION UNDER ADEA

Time period: 60 days (after charge is filed with the EEOC)
 29 U.S.C. § 626(d)

JUDGMENTS

ACTION TO ENFORCE JUDGMENT

Time period: 10 years (from date of rendition)
 N.C. GEN. STAT. § 1-47(1)
See Rodman v. Stillman, 220 N.C. 361, 17 S.E.2d 336 (1941) and *Wener v. Perrone & Cramer Realty, Inc.*, 137 N.C. App. 362, 528 S.E.2d 65 (2000).

EXECUTION UPON JUDGMENT REQUIRING PAYMENT OF MONEY OR RECOVERY OF PERSONAL PROPERTY

Time period: 10 years (from date of rendition)
 N.C. GEN. STAT. § 1-306
[Excluding enforcement of homestead lien or alimony payments. See Morse v. Zatkiewicz, 5 N.C. App. 242, 168 S.E.2d 219 (1969) *and* *Cleve v. Adams*, 222 N.C. 211, 22 S.E.2d 567 (1942).]

PERSONAL INJURY

PERSONAL INJURY

Time period: 3 years (after injury becomes or ought to have become apparent, but not more than 10 years after defendant's last act or omission giving rise to claim)

N.C. GEN. STAT. § 1-52(16)
See Barnick v. Celotex Corp., 736 F.2d 946 (4th Cir. 1984) and *Soderlund v. Kuch*, 143 N.C. App. 361, 546 S.E.2d 632, *review denied*, 353 N.C. 729, 551 S.E.2d 438 (2001).

WRONGFUL DEATH

Time period: 2 years (from the date of death)

N.C. GEN. STAT. § 1-53(4)

[If decedent would have been barred, had he lived, from bringing an action for bodily harm, as a result of N.C. GEN. STAT. § 1-15(c) or 1-52 (16), no action for his death may be brought.]

See *Udzinski v. Lovin*, 358 N.C. 534, 597 S.E.2d 703 (2004) and *Sturdivant v. Andrews*, 161 N.C. App. 177, 587 S.E.2d 34, cert. denied, cert. dismissed, 358 N.C. 242, 594 S.E.2d 34 (2004).

PRODUCTS LIABILITY

Time period: If action is in tort for personal injury or wrongful death, the action must be brought within 3 years of the date of injury or 2 years from the date of death (statute of limitation) and 12 years after product's initial purchase for use of consumption (statute of repose).

N.C. GEN. STAT. § 1-46.1 [

(Applies to actions that accrue on or after October 1, 2009.)

WORKER'S COMPENSATION CLAIMS

Time period: 2 years (after accident or after last payment of medical compensation when no other compensation has been paid and when employer's liability has not been established)

N.C. GEN. STAT. § 97-24(a)

See *Reinhardt v. Women's Pavilion, Inc.*, 102 N.C. App. 83, 401 S.E.2d 138 (1991).

OCCUPATIONAL DISEASES

Time period: 2 years (after death, disability, or disablement)

N.C. GEN. STAT. § 97-58(c)

[However, claim for injury, disability, or death due to radiation will be barred unless filed 2 years after claimant first suffered incapacity due to exposure, and knew or should have known that the disease was caused by present or prior employment.]

See *Rutledge v. Stroh Cos.*, 105 N.C. App. 307, 412 S.E.2d 901 (1991), cert. denied, 331 N.C. 384, 417 S.E.2d 791 (1992) and *Terrell v. Terminix Servs.*, 142 N.C. App. 305, 542 S.E.2d 332 (2001).

MEDICAL NEGLIGENCE/INCLUDING FOREIGN OBJECT LEFT IN BODY

Time Period: 3 years from last act of defendant/4 year statute of repose ("latent injury rule")

The 4 year statute of repose is available when the injury is not apparent until 2 or more years after the last act of the defendant. Suit must be brought within 1 year of the discovery date, but cannot be brought more than 4 years (10 years in the case of foreign objects with no therapeutic or diagnostic purpose which are left in the body) from the last act of defendant.

Please read N.C. GEN. STAT. §§ 1-15(c) and 1-52(16).

See *Whitaker v. Akers*, 137 N.C. App. 274, 527 S.E.2d 721 (2000); *Udzinski v. Lovin*, 159 N.C. App. 272, 583 S.E.2d 648 (2003), aff'd, 358 N.C. 534, 597 S.E.2d 703 (2004); and *Bass v. Durham County Hosp. Corp.*, 158 N.C. App. 217, 580 S.E.2d 738, cert. denied, 357 N.C. 458, 585 S.E.2d 382 (2003).

PERSONAL INJURY, DEATH DUE TO DEFECTIVE, UNSAFE REAL PROPERTY IMPROVEMENT

Time period: If the action is in tort for personal injury or wrongful death, the action must be brought within 3 years of the date of injury or 2 years from the date of death (statute of limitations) and 6 years after later of defendant's last act or omission, or substantial completion of improvement (statute of repose).

N.C. GEN. STAT. § 1-50(5)

See *Nolan v. Paramount Homes, Inc.*, 135 N.C. App. 73, 518 S.E.2d 789 (1999), review denied, 351 N.C. 359, 542 S.E.2d 214 (2000) (the statute of repose runs from the date of substantial completion which has been defined as the date certificate of occupancy is issued); *Monson v. Paramount Homes, Inc.*, 133 N.C. App. 235, 515 S.E.2d 445 (1999); *Olympic Prod. Co. v. Roof Sys.*, 79 N.C. App. 436, 339 S.E.2d 432, cert. denied and appeal dismissed, 316 N.C. 553, 344 S.E.2d 8 (1986); *Bryant v. Don Galloway Homes, Inc.*, 147 N.C. App. 655, 556 S.E.2d 597 (2001); and *Mitchell v. Mitchell's Formal Wear, Inc.*, ___ N.C. App. ___, 606 S.E.2d 704 (2005).

CLAIM FOR MEDICAL EXPENSES INCURRED WITHIN ONE YEAR OF SCHOOL BUS ACCIDENT CAUSING INJURY, DEATH OF PUPIL

Time period: 1 year

N.C. GEN. STAT. § 115c-259

[Expenses less than \$600.]

PERSONAL INJURY CAUSED BY RAILROAD IN VIOLATION OF NORTH CAROLINA UTILITIES COMMISSION RULE

[*Note: N.C. GEN. STAT. § 62-243, which had a one year statute a limitations, was repealed by Session Laws 1998-128,*

s. 13, effective September 4, 1998. A review of the Session Law indicates this section has not been recodified.]

PROPERTY AND ESTATES

ACTION VALIDATING TITLE CLAIM AFTER ENTRY ON REAL ESTATE

Time period: 1 year (after entry, but within period necessary for adverse possession ripening into title)
N.C. GEN. STAT. § 1-41

TRESPASS

Time period: 3 years (from original trespass)
N.C. GEN. STAT. § 1-52(3)
See James v. Clark, 118 N.C. App. 178, 454 S.E.2d 826, *review denied*, 340 N.C. 359, 458 S.E.2d 187 (1995).

REAL PROPERTY TITLE AGAINST STATE UNDER COLOR OF TITLE

Time period: 21 years
N.C. GEN. STAT. § 1-35(2)

REAL PROPERTY TITLE AGAINST STATE, ADVERSE POSSESSION

Time period: 30 years
N.C. GEN. STAT. § 1-35(1)

REAL PROPERTY TITLE AGAINST PRIVATE PARTY UNDER COLOR OF TITLE

Time period: 7 years
N.C. GEN. STAT. § 1-38(a)

REAL PROPERTY TITLE AGAINST PRIVATE PARTY WHEN INSTRUMENT IS DESTROYED

Time period: 7 years
N.C. GEN. STAT. § 98-8

REAL PROPERTY TITLE AGAINST PRIVATE PARTY UNDER ADVERSE POSSESSION

Time period: 20 years
N.C. GEN. STAT. § 1-40

See Merrick v. Peterson, 143 N.C. App. 656, 548 S.E.2d 171 (2001); *Dockery v. Hocutt*, 357 N.C. 210, 581 S.E.2d 431 (2003); and *Lancaster v. Maple St. Homeowners Ass'n*, 156 N.C. App. 429, 577 S.E.2d 365, *cert. denied*, 357 N.C. 251, 582 S.E.2d 272 (2003).

ACTION TO RECOVER DEFICIENCY JUDGMENT ON DEBT AFTER FORECLOSURE ON MORTGAGE OR DEED OF TRUST SECURING SUCH DEBT

Time period: 1 year (after delivery of deed pursuant to foreclosure sale)
N.C. GEN. STAT. § 1-54(6)
[*If action on debt earlier barred by expiration of remainder of any other period, that period governs.*]
See Lexington State Bank v. Miller, 17 N.C. App. 748, 529 S.E.2d 454 (2000).

PROPERTY DAMAGE DUE TO DEFECTIVE, UNSAFE REAL PROPERTY IMPROVEMENT

Time period: 6 years
N.C. GEN. STAT. § 1-50(5)
See Nolan v. Paramount Homes, Inc., 135 N.C. App. 73, 518 S.E.2d 789 (1999), *review denied*, 351 N.C. 359, 542 S.E.2d 214 (2000) (the statute of repose runs from the date of substantial completion which has been defined as the date certificate of occupancy is issued); *Monson v. Paramount Homes, Inc.*, 133 N.C. App. 235, 515 S.E.2d 445 (1999); *Olympic Prod. Co. v. Roof Sys.*, 79 N.C. App. 436, 339 S.E.2d 432, *cert. denied and appeal dismissed*, 316 N.C. 553, 339 S.E.2d 8 (1986); *Bryant v. Don Galloway Homes, Inc.*, 147 N.C. App. 655, 556 S.E.2d 597 (2001); and *Mitchell v. Mitchell's Formal Wear, Inc.*, ___ N.C. App. ___, 606 S.E.2d 704 (2005).

INJURY TO INCORPOREAL HEREDITAMENT

Time period: 6 years

N.C. GEN. STAT. § 1-50(3)

See Karner v. Roy White Flowers, Inc., 134 N.C. App. 645, 518 S.E.2d 563 (1999), *rev'd*, 351 N.C. 433, 527 S.E.2d 40 (2000).

FORECLOSURE OF MORTGAGE, DEED IN TRUST FOR CREDITORS WITH POWER OF SALE

Time period: 10 years

N.C. GEN. STAT. § 1-47(3)

[Where mortgagor or grantor has been in possession of the property, within 10 years after forfeiture of the mortgage, or after the power of sale became absolute, or within ten years after last payment on the same.]

MORTGAGE REDEMPTION

Time period: 10 years

N.C. GEN. STAT. § 1-47(4)

[Where mortgagee has been in possession, or for a residuary interest under a deed in trust for creditors, where the trustee (or those holding under him/her) has been in possession, within 10 years after the right of action accrued.]

CREDITOR'S ACTION AGAINST REPRESENTATIVE OF DECEASED

Time period: 7 years (after qualification of executor or administrator and, where creditor not personally served, publishing advertisement for creditors to present their claims)

N.C. GEN. STAT. § 1-49(2)

See Love v. Ingram, 104 N.C. 600, 10 S.E. 77 (1889).

ACTION AGAINST RAILROAD FOR PROPERTY DAMAGE CAUSED BY CONSTRUCTION OR REPAIRS

Time period: 5 years (from date of the first substantial injury)

N.C. GEN. STAT. § 1-51(2)

See Ridley v. Seaboard & R.R.R., 118 N.C. 996, 24 S.E. 730 (1896) and *Dayton v. City of Asheville*, 185 N.C. 12, 115 S.E. 827 (1923).

PROPERTY DAMAGE

Time period: 3 years (after damage becomes or ought to have become apparent but not more than 10 years from defendant's last act or omission giving rise to claim)

N.C. GEN. STAT. § 1-52(16)

[Unless otherwise provided by statute.]

See Barwick v. Celotex Corp., 736 F.2d 946 (4th Cir. 1984) and *Soderlund v. Kuch*, 143 N.C. App. 361, 546 S.E.2d 632, *review denied*, 353 N.C. 729, 551 S.E.2d 438 (2001).

CONVERSION OF OR DAMAGE TO GOODS OR CHATTELS

Time period: 3 years

N.C. GEN. STAT. § 1-52(4)

See Altman v. City of High Point, ___ F.Supp.2d ___ (M.D.N.C. Jan. 17, 2002).

ACTION FOR ANNUAL VALUE OF LAND AND WASTE CHARGED AGAINST DEFENDANT

Time period: Defendant not liable for annual value or for damages for waste or other injury for any longer time than 3 years before suit unless s/he claims for improvements.

N.C. GEN. STAT. § 1-341

ERRORS IN SURVEYS OF PLOTS CORRECTED

Time period: 3 years (from date of patent)

N.C. GEN. STAT. § 146-49

CLAIM FOR ESCHEATED PROPERTY

Time period: No Stated Period of Limitations

N.C. GEN. STAT. § 116B-4

[However, claim must not be barred under N.C. GEN. STAT. §§ 28A-19-1 through 28A-19-19. The provisions of N.C. GEN. STAT. § 116B-67(a), (c), (d), and (e) and N.C. GEN. STAT. § 116B-68 shall also apply.]

CLAIM FOR LOSS, DAMAGE OR INJURY TO PROPERTY HELD BY COMMON CARRIER

Time period: 2 years (after claimant receives written notice that claim has been disallowed)

N.C. GEN. STAT. § 62-204

[Not applicable to passenger motor carriers. Claimant must file written claim with carrier within 9 months of occurrence; cause of action shall be deemed to have accrued 30 days after date of notice.]

COMPENSATION RECOVERY FOR CONDEMNATION OF FISHERY RIGHTS

Time period: 3 years (tolled during disability of plaintiff)

N.C. GEN. STAT. § 113-206(e)

[No action may be instituted under this subsection after December 31, 2006.]

RETIREMENT BENEFITS

ACTION WITH RESPECT TO A DEFICIENCY OR OVERPAYMENT IN COUNTY OR MUNICIPAL RETIREMENT BENEFITS

Time period: 3 years (after payment)

N.C. GEN. STAT. § 128-27(i)

See Faulkenbury v. Teachers' & State Emps. Retirement Sys., 345 N.C. 683, 483 S.E.2d 422 (1997).

ACTION WITH RESPECT TO A DEFICIENCY OR OVERPAYMENT IN TEACHERS' OR STATE EMPLOYEES' RETIREMENT BENEFITS

Time period: 3 years (after payment)

N.C. GEN. STAT. § 135-5(n)

STATE AND LOCAL GOVERNMENT AND PUBLIC OFFICERS

OTHER TORT CLAIMS AGAINST STATE DEPARTMENTS, INSTITUTIONS AND AGENCIES

Time period: 3 years (after accrual of such claim)

N.C. GEN. STAT. § 143-299

WRONGFUL DEATH CLAIMS AGAINST STATE DEPARTMENTS, INSTITUTIONS AND AGENCIES

Time period: 2 years

N.C. GEN. STAT. § 143-299

ACTION AGAINST LOCAL UNIT OF GOVERNMENT UPON EXPRESS OR IMPLIED CONTRACT

Time period: 2 years

N.C. GEN. STAT. § 1-53(l)

[Not applicable to actions based on bonds, notes, and interest coupons or when a different period of limitations is prescribed by N.C. GEN. STAT. §§ 1-46 through 1-55.]

CLAIM AGAINST BOARD OR AGENCY WHOSE AFFAIRS ARE BEING LIQUIDATED

Time period: 1 year (from the time Board or Agency becomes inoperative)

N.C. GEN. STAT. § 143-270

ACTION TO SET ASIDE RESOLUTION CREATING COUNTY WATER AND SEWER DISTRICT

Time period: 30 days (after first publication of resolution and notice)

N.C. GEN. STAT. § 162A-87(b)

[For actions to set aside resolutions creating consolidated city-county water and sewer districts, the time period is 21 days after

first publication of resolution and notice. See N.C. GEN. STAT. § 162A-86(b)(1).]

ACTION BY PRIVATE REALTOR TO TRY TITLE TO OFFICE

Time period: 90 days (after induction into the office to which the title is to be tried)

N.C. GEN. STAT. § 1-522

See State ex rel. Barker v. Ellis, 144 N.C. App. 135, 547 S.E.2d 166, cert. denied, 354 N.C. 74, 553 S.E.2d 204 (2001).

ACTION CHALLENGING VALIDITY OF ANY PROCEEDING TAKEN IN CLOSING OF STREET OR ALLEY

Time period: 30 days (after adoption of closing order)

N.C. GEN. STAT. § 160A-299(b)

See Groves v. Community Hous. Corp. of Haywood County, 144 N.C. App. 79, 548 S.E.2d 535 (2001).

ACTION CHALLENGING VALIDITY OF ELECTION CONCERNING ASSUMPTION OF SCHOOL DISTRICT INDEBTEDNESS BY COUNTIES

Time period: 30 days (after publication of the statement of election results)

N.C. GEN. STAT. § 115C-473

ACTION CHALLENGING VALIDITY OF SPECIAL ELECTION CONCERNING MERGER OF METROPOLITAN SEWERAGE DISTRICT INTO CITY OR TOWN

Time period: 30 days (after special election)

N.C. GEN. STAT. § 162A-77.1

ACTION CHALLENGING VALIDITY OF RESOLUTION CREATING METROPOLITAN SEWERAGE DISTRICT

Time period: 30 days (after first publication of resolution and notice)

N.C. GEN. STAT. § 162A-66

ACTION CHALLENGING VALIDITY OF ELECTION CONCERNING ASSUMPTION OF SEWERAGE SYSTEM INDEBTEDNESS OF POLITICAL SUBDIVISION BY METROPOLITAN SEWERAGE DISTRICT

Time period: 30 days (after publication of the statement of election results)

N.C. GEN. STAT. § 162A-77

ACTION TO SET ASIDE CREATION OF METROPOLITAN WATER DISTRICT

Time period: 30 days (after first publication of resolution and notice)

N.C. GEN. STAT. § 162A-33

ACTION CHALLENGING VALIDITY OF RESOLUTION CREATING SPECIAL AIRPORT DISTRICT

Time period: 60 days (after first publication of notice)

N.C. GEN. STAT. § 63-80(e)

ACTION CHALLENGING VALIDITY OF RESOLUTION INCLUDING ADDITIONAL UNITS OF LOCAL GOVERNMENT WITHIN A SPECIAL AIRPORT DISTRICT

Time period: 30 days (after publication of notice)

N.C. GEN. STAT. § 63-82(d)

ACTION CHALLENGING VALIDITY OF RESOLUTION OR ELECTION APPROVING INCLUSION OF ADDITIONAL POLITICAL SUBDIVISIONS OR UNINCORPORATED AREAS IN A METROPOLITAN SEWERAGE DISTRICT

Time period: 30 days (after first publication of notice)

N.C. GEN. STAT. § 162A-68(f)

ACTION CONTESTING VALIDITY OF ZONING ORDINANCE OR AMENDMENT

Time period: 2 months (after adoption or amendment thereto)

N.C. GEN. STAT. § 160A-364; 153A-348; 1-54.1

See *Piland v. Board of Comm'rs*, 141 N.C. App. 293, 539 S.E.2d 669 (2000).

ACTION TO ENFORCE LIEN ON REAL PROPERTY OF RECIPIENT OF AMBULANCE SERVICE AT THE EXPENSE OF COUNTY OR MUNICIPALITY

Time period: 10 years (from date of service, but not more than 3 years after death of recipient)

N.C. GEN. STAT. § 44-51.1

ACTION AGAINST PUBLIC OFFICER FOR TRESPASS UNDER COLOR OF OFFICE

Time period: 3 years

N.C. GEN. STAT. § 1-52(13)

ACTION AGAINST PUBLIC OFFICER FOR ESCAPE OF PRISONER ARRESTED OR IMPRISONED ON CIVIL PROCESS

Time period: 1 year

N.C. GEN. STAT. § 1-54(4)

ACTION OR PROCEEDING BY CITY TO ENFORCE ANY REMEDY FOR FORECLOSURE OF SPECIAL ASSESSMENT LIENS

Time period: 10 years (from due date of assessment or earliest installment)

N.C. GEN. STAT. § 160A-233(d)

[If acceleration of installments occurs, the statute of limitations shall continue to run as to each installment as if acceleration had not occurred.]

ACTION OR PROCEEDING BY COUNTY TO FORECLOSE SPECIAL ASSESSMENT LIEN

Time period: 10 years (from due date of assessment or earliest installment)

N.C. GEN. STAT. § 153A-200(d)

[If acceleration of installments occurs, the statute of limitations shall continue to run as to each installment as if acceleration had not occurred.]

ACTION BY STATE TO RECOVER TREATMENT, TRAINING AND MAINTENANCE COSTS OF PERSON ADMITTED TO DEPARTMENT OF HUMAN RESOURCES INSTITUTION

Time period: No Period of Limitations

N.C. GEN. STAT. § 143-122

[e.g., regional psychiatric hospital, special care center, mental retardation center, school for emotionally disturbed children, alcohol and drug abuse treatment centers.]

ACTION TO ENFORCE JUDGMENT IN STATE'S FAVOR FOR RECOVERY OF TREATMENT, TRAINING AND MAINTENANCE COSTS OF PERSON ADMITTED TO DEPARTMENT OF HUMAN RESOURCES INSTITUTION

Time period: No Period of Limitations
 N.C. GEN. STAT. § 143-125

[e.g., regional psychiatric hospital, special care center, mental retardation center, school for emotionally disturbed children, alcohol and drug abuse treatment centers.]

ACTION BY STATE TO RECOVER DAMAGES FOR TRESPASS TO STATE LANDS

Time period: 10 years (after the trespass)
 N.C. GEN. STAT. § 146-80

TAXATION

TAXPAYER'S DEMAND FOR REFUND OF AGRICULTURAL FEE OR TAX OVERPAYMENT

Time period: 3 years (from later of overpayment date or due date of report)
 N.C. GEN. STAT. § 106-9.5

REFUND OF GIFT TAX OVERPAYMENT

Note: N.C. GEN. STAT. § 105-191, which contained a 3 year statute of limitations, was repealed by Session Laws 1995 (Regular session, 1996) c. 646, s. 7.

APPLICATION FOR REVISION OF GIFT TAXES ASSESSED

Note: N.C. GEN. STAT. § 105-196, which contained a 3 year statute of limitations, was repealed by Session Laws 1995 (Regular Session 1996), c. 646, s. 7.

EMPLOYER'S APPLICATION FOR REFUND OF WITHHOLDING TAX OVERPAYMENT

Time period: Later of 3 years from filing deadline or 6 months after overpayment
 N.C. GEN. STAT. § 105-163.9 provides for action;
 N.C. GEN. STAT. § 105-266(c) sets out period of limitations
[Refund is not allowed if amount of overpayment is withheld from employee or contractor wages.]

REFUND OF INHERITANCE TAX OVERPAYMENT DUE TO VALUATION ADJUSTMENT

Note: N.C. GEN. STAT. § 105-29(a), which contained a statute of limitations of 3 years from filing deadline or 6 months from overpayment or 6 months after final determination of federal estate tax liability, whichever was later, was repealed by Session Laws 1998-212, s. 29A. 2(a), effective January 1, 1999, and applicable to the estates of decedents dying on or after that date.

COLLECTION OF INHERITANCE TAXES

Note: N.C. GEN. STAT. § 105-32, which contained a 20 year statute of limitations period from death, was repealed by Session Laws 1998-212, s. 29A 2(a), effective January 1, 1999, and applicable to the estates of decedents dying on or after that date.

COLLECTION OF WATERSHED IMPROVEMENT DISTRICT ASSESSMENTS

Note: N.C. GEN. STAT. § 139-27(f), which contained a 10 year statute of limitations, was repealed by Session Laws 1993, c. 391, ss. 7-16.

ACTION BY COUNTY OR MUNICIPALITY TO ENFORCE REMEDY FOR TAX COLLECTION OR TAX LIEN ENFORCEMENT

Time period: 10 years (from date taxes due)
 N.C. GEN. STAT. § 105-378(a)
[Not applicable to lien of special assessments.]

ACTION CONTESTING VALIDITY OF TAX FORECLOSURE TITLE

Time period: 1 year (from deed recording date)
 N.C. GEN. STAT. § 105-377; 1-54(8)

REFUND OF TAX OVERPAYMENT WITH INTEREST, GENERALLY TIME PERIOD: LATER OF 3 YEARS FROM FILING DEADLINE OR 6 MONTHS AFTER OVERPAYMENT

N.C. GEN. STAT. § 105-266(c)
[Session Laws 2004-110, s. 1.3, provides: "Notwithstanding the time limitations of N.C. GEN. STAT. §§ 105-266 and 105-266.1, a refund for an overpayment of tax resulting from a change in the law enacted by this part regarding the exclusion

of gain on the sale or exchange of a principal residence by a member of the uniformed services or the Foreign Service of the United States is timely if a demand for the refund is filed on or before November 11, 2004.”]

SUIT FOR RECOVERY OF TAXES PAID UNDER PROTEST

Time period: 3 years (after 90 day refund period)
N.C. GEN. STAT. §§ 105-267; 105-381; and 1-52(15)

[Taxpayer must demand refund for tobacco products tax, alcoholic beverage license and excise taxes, and unauthorized substance taxes within 30 days after payment; taxpayer must demand refund for all other taxes within 3 years after payment; may only bring suit after expiration of 90 day period allowed for making refund.]

ASSESSMENT OF LIABILITY AGAINST TRANSFEREE OR ENFORCING LIEN AGAINST TRANSFERRED PROPERTY

Time period: 1 year (after expiration of period of limitation for assessment against transferor)

N.C. GEN. STAT. § 105-239.1(b)

ACTION FOR COLLECTION OF CONTRIBUTIONS TO STATE UNEMPLOYMENT INSURANCE FUND

Time period: 5 years (from date contributions due)
N.C. GEN. STAT. § 96-10(i)

ACTION TO RECOVER CONTRIBUTIONS TO STATE UNEMPLOYMENT INSURANCE FUND PAID UNDER PROTEST

Time period: 1 year
N.C. GEN. STAT. § 96-10(f)

[Must give written notice of protest at time of payment and demand refund within 30 days after payment; may only bring suit after expiration of 90 day period allowed for making refund, or after refusal, if received before expiration of 90 day period.]

TORTS, OTHER

CRIMINAL CONVERSATION

Time period: 3 years
N.C. GEN. STAT. § 1-52(5)

See Evans v. Chipps, 56 N.C. App. 232, 287 S.E.2d 426 (1982), *overruled on other grounds*, *Fowler v. Valencourt*, 334 N.C. 345, 432 S.E.2d 306 (1993).

TORTIOUS INTERFERENCE WITH CONTRACT

Time period: 3 years
N.C. GEN. STAT. § 1-52(5)
See Johnson v. Graye, 251 N.C. 448, 452, 111 S.E.2d 595, 598 (1959) (holding that the three year statute of limitation under N.C. GEN. STAT. § 1-52(5) is applicable to the plaintiff's malicious interference with contract claim).

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Time Period: 3 years
N.C. GEN. STAT. §§ 1-52(5), (16)
See Staley v. Lingerfelt, 134 N.C. App. 294, 517 S.E.2d 392 (1999); *Dickens v. Puryear*, 45 N.C. App. 696, 263 S.E.2d 856 (1980), *rev'd in part on other grounds*, 302 N.C. 437, 276 S.E.2d 325 (1981); and *Doe v. Doe*, 973 F.2d 237 (4th Cir. 1992).

ABUSE OF PROCESS

Time period: 3 years
N.C. GEN. STAT. § 1-52(5)

LIBEL

Time period: 1 year (after date of publication)
N.C. GEN. STAT. § 1-54(3)
See Price v. J.C. Penney Co., Inc., 26 N.C. App. 249, 216 S.E.2d 154, *cert. denied*, 288 N.C. 243, 217 S.E.2d 666 (1975) and *Pressley v. Continental Can Co., Inc.*, 39 N.C. App. 467, 250 S.E.2d 676, *cert. denied*, 297 N.C. 177, 254 S.E.2d 37 (1979); and *Martin v. Boyce*, 217 F.R.D. 368 (M.D.N.C. 2003).

MALICIOUS PROSECUTION

Time period: 3 years
N.C. GEN. STAT. § 1-52(5)

SLANDER

Time period: 1 year (after date of statement)

N.C. GEN. STAT. § 1-54(3)

See Price v. J.C. Penney Co., Inc., 26 N.C. App. 249, 216 S.E.2d 154, *cert. denied*, 288 N.C. 243, 217 S.E.2d 666 (1975) and *Martin v. Boyce*, 217 F.R.D. 368 (M.D.N.C. 2003).

ASSAULT

Time period: 3 years (for any claims arising on or after October 1, 2001)

N.C. GEN. STAT. § 1-52(19)

Note: For any claims arising before October 1, 2001, the statute of limitation is one (1) year under N.C. GEN.

STAT. § 1-54(3).

See Keech v. Hendricks, 141 N.C. App. 649, 540 S.E.2d 71 (2000); *Britt v. Hayes*, 142 N.C. App. 190, 541 S.E.2d 761, *cert. granted*, 353 N.C. 450, 548 S.E.2d 523 (2001); and *Alford v. Catalytica Pharms., Inc.*, 150 N.C. App. 489, 564 S.E.2d 267 (2002).

BATTERY

Time period: 3 years (for any claims arising on or after October 1, 2001)

N.C. GEN. STAT. § 1-52(19)

Note: For any claims arising before October 1, 2001, the statute of limitation is one (1) year under N.C. GEN.

STAT. § 1-54(3).

See Keech v. Hendricks, 141 N.C. App. 649, 540 S.E.2d 71 (2000); *Britt v. Hayes*, 142 N.C. App. 190, 541 S.E.2d 761, *cert. granted*, 353 N.C. 450, 548 S.E.2d 523 (2001); and *Alford v. Catalytica Pharms., Inc.*, 150 N.C. App. 489, 564 S.E.2d 267 (2002).

FALSE IMPRISONMENT

Time period: 3 years (for any claims arising on or after October 1, 2001)

N.C. GEN. STAT. § 1-52(19)

Note: For any claims arising before October 1, 2001, the statute of limitation is one (1) year under N.C. GEN.

STAT. § 1-54(3).

See Keech v. Hendricks, 141 N.C. App. 649, 540 S.E.2d 71 (2000); *Britt v. Hayes*, 142 N.C. App. 190, 541 S.E.2d 761, *cert. granted*, 353 N.C. 450, 548 S.E.2d 523 (2001); and *Alford v. Catalytica Pharms., Inc.*, 150 N.C. App. 489, 564 S.E.2d 267 (2002).

TRESPASS

Time period: 3 years (from original trespass)

N.C. GEN. STAT. § 1-52(3)

See James v. Clark, 118 N.C. App. 178, 454 S.E.2d 826, *review denied*, 340 N.C. 359, 458 S.E.2d 187 (1995).

USURY

FORFEITURE OF INTEREST FOR USURY

Time period: 2 years

N.C. GEN. STAT. § 1-53(3)

See Haanebrink v. Meyer, 47 N.C. App. 646, 267 S.E.2d 598 (1980).

ACTION TO RECOVER PENALTY FOR USURY

Time period: 2 years

N.C. GEN. STAT. § 1-53(2)

See Haanebrink v. Meyer, 47 N.C. App. 646, 267 S.E.2d 598 (1980) and *Faircloth v. Nat'l Home Loan Corp.*, 313 F.Supp.2d 544 (M.D.N.C. 2003).

WILLS AND DECEDENT'S ESTATES

CAVEAT TO THE PROBATE OF A WILL

Time period: 3 years

N.C. GEN. STAT. § 31-32

[Persons under legally recognized disability have 3 years after removal of disability to bring suit.]

PRESENTATION OF CLAIMS AGAINST DECEDENT'S ESTATE ARISING AT OR AFTER DEATH

Time period: 6 months (from due date of representative's or collector's performance if claim based on contract with representative or collector; or with respect to any other claim, from date on which claim arises).

N.C. GEN. STAT. § 28A-19-3(b)

See Mabry v. Huneycutt, 149 N.C. App. 630, 562 S.E.2d 292 (2002); *Simpson v. McConnell*, 156 N.C. App. 424, 576 S.E.2d 419 (2003); *Shaw v. Mintz*, 151 N.C. App. 82, 564 S.E.2d 593 (2002); and *Wright v. Smith*, 151 N.C. App. 121, 564 S.E.2d 613 (2002), *cert. denied*, 356 N.C. 696, 579 S.E.2d 106 (2003).

ACTION ON UNREFERRED CLAIM REJECTED BY REPRESENTATIVE OR COLLECTOR

Time period: 3 months (after written notice of rejection or after some part of claim comes due)

N.C. GEN. STAT. § 28A-19-16

See Storey v. Hailey, 114 N.C. App. 173, 441 S.E.2d 602 (1994) (holding that the statute of limitations is three calendar months, not 90 days) and *Elliott v. Estate of Elliott*, 163 N.C. App. 577, 596 S.E.2d 819, *cert. denied*, 358 N.C. 731, 601 S.E.2d 530 (2004) (holding that estate must absolutely and unequivocally reject the claim in order to trigger the statute of limitations).

ACTION FOR YEAR'S ALLOWANCE OF SURVIVING SPOUSE OR CHILDREN

Time period: 1 year

N.C. GEN. STAT. § 1-54(5)

MISCELLANEOUS LIMITATIONS

PROFESSIONAL MALPRACTICE - COMPLEX ANALYSIS NEEDED

Time period: 3 years from last act of defendant/4 year statute of repose ("latent injury rule") The 4 year statute of repose is available when the injury is not apparent until 2 or more years after the last act of the defendant. Suit must be brought within 1 year of the discovery date, but cannot be brought more than 4 years from the last act of the defendant.

N.C. GEN. STAT. § 1-15(c)

CIVIL ACTION TO ESTABLISH PATERNITY OF ILLEGITIMATE CHILD

Time period: Anytime before child's 18th birthday or within 1 year of putative father's death

N.C. GEN. STAT. § 49-14(a) & (c)

ACTION UNDER BENEFIT OF PRESUMPTION OF RAILROAD'S NEGLIGENCE IN LIVESTOCK KILLING

Note: N.C. GEN. STAT. § 62-241, which contained a six month statute of limitations, was repealed by Session Laws 1998-128, s.13, effective September 4, 1998.

ACTIONS NOT OTHERWISE LIMITED

Time period: 10 years (after the cause of action has accrued)

N.C. GEN. STAT. § 1-56

BULK TRANSFER ACTIONS

Note: N.C. GEN. STAT. § 25-6-111, which contained a six month statute of limitations, was repealed by Session Laws 2004-190, s. 1, effective January 1, 2005. Rights arising prior to January 1, 2005 remain valid and may be enforced as though those statutes had not been repealed.

STATUTORY ACTION FOR PENALTY OR FORFEITURE

Time period: 1 year
 N.C. GEN. STAT. § 1-54(2)

[Where action is given to state alone, in whole or in part to aggrieved party, or to common informer. One year unless otherwise provided by statute.]

ACTION UPON AN INSTRUMENT TRANSFERRING OR AFFECTING UNEARNED SALARIES OR WAGES

Time period: 6 months (after execution of instrument)
 N.C. GEN. STAT. § 1-55(1)

ACTION TO CONTEST THE DESIGNATION OF A NEW TRUSTEE FOR A MORTGAGE OR DEED OF TRUST

Time period: 1 year (after registration)
 N.C. GEN. STAT. § 45-15

ACTION UPON CLAIM FOR LOSS COVERED BY FIRE INSURANCE POLICY

Time period: 3 years
 N.C. GEN. STAT. § 1-52(12)
[Policy subject to three year limitation of standard fire insurance policy of North Carolina, N.C. GEN. STAT. § 58-44-15(c).] See Marshburn v. Associated Indem. Corp., 84 N.C. App. 365, 353 S.E.2d 123, cert. denied, 319 N.C. 673, 356 S.E.2d 779 (1987).

ACTION FOR COURT FEES DUE

Time period: 3 years (after rendition of judgment or issuing of last execution thereon)
 N.C. GEN. STAT. § 1-52(8)

ACTION UPON DISCRIMINATION IN BUSINESS

Time period: 3 years (a continuing violation accrues at the time of the latest violation)
 N.C. GEN. STAT. § 1-52(14) (Action under Chapter 75B of General Statutes.)

ACTION GROUNDED ON FRAUD OR MISTAKE

Time period: 3 years (after aggrieved party knew or should have known facts constituting fraud or mistake)
 N.C. GEN. STAT. § 1-52(9)
See Hice v. Hi-Mil, Inc., 47 N.C. App. 427, 267 S.E.2d 507 (1980), aff'd, 301 N.C. 647, 273 S.E.2d 268 (1981); George v. McClure, 266 F.Supp.2d 413 (M.D.N.C. 2001); Gifford v. Linnell, 157 N.C. App. 530,

579 S.E.2d 440, cert. denied, 357 N.C. 458, 585 S.E.2d 754 (2003); and Baars v. Campbell Univ., Inc., 148 N.C. App. 408 558 S.E.2d 871, cert. denied, 355 N.C. 490, 563 S.E.2d 563 (2002).

ACTION GROUNDED ON CHAPTER 75 OF GENERAL STATUTES OF NORTH CAROLINA; UNFAIR, DECEPTIVE TRADE PRACTICES

Time period: 4 years (after cause of action accrues)
 N.C. GEN. STAT. § 75-16.2
See Faircloth v. Nat'l Home Loan Corp., 313 F.Supp.2d 544 (M.D.N.C. 2003); R.J. Reynolds Tobacco Co. v. S K Everhart, Inc., ___ F.Supp.2d ___ (2003); and Lyons Partnership, L.P. v. Morris Costumes, Inc., 243 F.3d 789 (4th Cir. 2001).

NOTE: When a civil or criminal proceeding is commenced by the Attorney General or any district attorney pursuant to Chapter 75, the running of the limitations period for private rights of action under Chapter 75 is suspended for the duration of the proceeding and one year after. Private rights of action must then be brought within the suspension period or four years after the cause of action accrued, whichever is later.

ACTION FOR RECOVERY UNDER FAIR LABOR STANDARDS ACT

Time period: 2 years
 N.C. GEN. STAT. § 1-52(11)
See Johnson v. N.C. Dept. of Transportation, 107 N.C. App. 63, 418 S.E.2d 700 (1992) (Section 11 is invalid under the force of Supremacy Clause, and federal 2 year statute of limitation is applicable statute).

ACTION FOR WRONGFUL DISCHARGE OR DEMOTION DUE TO WORKER'S COMPENSATION PROCEEDINGS

Time period: 6 months
 N.C. GEN. STAT. § 1-55(3)

WRONGFUL CONVERSION OR SALE OF LEAF TOBACCO IN AUCTION WAREHOUSE DURING REGULAR SEASON FOR AUCTION SALES OF TOBACCO IN SUCH WAREHOUSE

Time period: 6 months
 N.C. GEN. STAT. § 1-55(2)

ACTION UPON LIABILITY CREATED BY STATE OR FEDERAL STATUTE

Time period: 3 years

N.C. GEN. STAT. § 1-52(2)

[Unless otherwise provided by statute.]

See Moses v. Provident Life & Accident Ins. Co., ___ F.Supp.2d ___ (M.D.N.C. 2003); *Brackett v. SGL Carbon Corp.*, 158 N.C. App. 252, 580 S.E.2d 757 (2003); *Williams v. Blue Cross Blue Shield*, 357 N.C. 170, 581 S.E.2d 415 (2003); *Liberty Mut. Ins. Co. v. Pennington*, 356 N.C. 571, 573 S.E.2d 118 (2002); and *Hamlet HMA, Inc. v. Richmond County*, 138 N.C. App. 415, 531 S.E.2d 494 (2000).

RECOVERY AGAINST LAND REGISTRATION SYSTEM ASSURANCE FUND

Time period: 3 years (from the time the cause of action has accrued)

N.C. GEN. STAT. § 43-55

[Persons under legally recognized disability have 1 year after removal of disability to bring suit.]

ACTION TO CORRECT REGISTERED LAND TITLE

Time period: 6 months (from date of order or decree)

N.C. GEN. STAT. § 43-30

MISAPPROPRIATION OF TRADE SECRET

Time period: 3 years (after misappropriation is or reasonably should have been discovered) N.C. GEN. STAT. § 66-157

PRIVATE ACTION FOR VIOLATION OF INSURANCE INFORMATION AND PRIVACY PROTECTION ACT §§ 58-39-45, 58-39-50, 58-39-55, 58-39-75

Time period: 2 years (from date violation is or should have been discovered)

N.C. GEN. STAT. § 58-39-105(d)

ASSESSMENT OF CIVIL PENALTY FOR VIOLATION OF THE WAGE AND HOUR ACT § 95-25-5 (YOUTH EMPLOYMENT)

Note: N.C. GEN. STAT. § 95-25.23(d), which contained a 2 year statute of limitations, was repealed by Session Laws 2001-201, s. 1, effective October 1, 2001.

CIVIL ACTION FOR VIOLATION OF TENDER OFFER DISCLOSURE ACT

Note: N.C. GEN. STAT. § 78B-6(b), which contained a 2 year statute of limitations after the act or transaction constituting the violation, was repealed by NC Session Laws 2001-201, effective as of October 1, 2001.

CIVIL ACTION FOR VIOLATION OF NORTH CAROLINA SECURITIES ACT

Time period: For violations of 78A-24 or 78A-36, 2 years (after sale or contract of sale); for all other violations of this chapter, 3 years (after violation is discovered), but no more than 5 years (after sale or contract of sale); if violator engages in fraudulent or deceitful acts that conceal the violations, 3 years (after fraudulent and deceptive acts are discovered or should have been discovered).

N.C. GEN. STAT. § 78A-56(f)

ACTION TO RECOVER UNPAID WAGES FOR VIOLATION OF THE WAGE AND HOUR ACT SECTION 95-25.3 (MINIMUM WAGE), 95-25.4 (OVERTIME), AND 95-25.6 THROUGH 95-25.12 (WAGE PAYMENT)

Time period: 2 years

N.C. GEN. STAT. § 95-25.22(f); N.C. GEN. STAT. § 1-53

See Hamilton v. Memorex Telex Corp., 18 N.C. App. 1, 454 S.E.2d 278 (1995).

ACTION BY TORTFEASOR TO ENFORCE CONTRIBUTION TO JUDGMENT FOR INJURY OR WRONGFUL DEATH AGAINST JOINT TORTFEASOR

Time period: 1 year (after judgment becomes final)

N.C. GEN. STAT. § 1B-3(c)