



BARRISTERS TITLE

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A Division of Fidelity National Title

North Carolina Real Property Liens

as of March 2023

Attachment	N.C.G.S. Citation	Lien Duration	Notes and Comments
Attachment	§1-440.1 et. seq.	10 yrs. for judgment lien	Attachment may be filed only ancillary to a principal civil filing; lien dates from docketing of Sheriff's certificate of levy with CSC (§1-440.17); once judgment is rendered in the underlying suit, the property under the attachment lien must be released or sold to satisfy the underlying judgment--N.C.G.S. §1-440.46(2)
Ad valorem property tax	§105-355, §105-362, §105-378	10 years	Super priority lien* ; action to foreclose tax lien must be brought within 10 years from date taxes are due; attaches only to the real estate parcel taxed, except taxes on the taxpayer's personal property are a lien on all the taxpayer's real property. Change in ownership does not release lien.
Alimony, post separation support	§50-16.7(i)	10 yrs. for judgment lien	A judgment for alimony or post separation support is not a lien against real property unless the judgment expressly so provides, sets out a sum certain, and adequately describes the real property affected; past-due periodic payments may by motion in the cause or by a separate action be reduced to judgment which are a lien as other judgments
Ambulance service	§44-51.1	10 years	Ten years from date of transport, or 3 years from date of recipient's death. Notice of lien must be filed in Clerk's office within 90 days of date ambulance service was provided.
CERCLA	42 USC §§ 9607	3 or 6 years from; call for details	Federal environmental lien; filed in County CSC's office per N.C.G.S. §44-68.11
Child support	§44-86	10 years	Established by docketing of notice with CSC of support arrearage in excess of three months, or over \$3,000
Condominium association assessment	§47C-3-116(a)	3 yrs. to enforce lien	Levied assessments that remain unpaid for 30 days or longer result in a lien when a claim is duly filed in Clerk's office. Lien may be enforced only by foreclosure; action to enforce lien must be brought within three years of the lien's docketing §47C-3-116c

Criminal bail lien	§15A-544.7(b)	10 yrs. for judgment lien	When a final judgment of forfeiture is docketed, judgment becomes a lien on real property of the defendant and of each surety named in the judgment
Deed of trust	§45-37(b) §1-47(3)	15 yrs. from maturity of note	Deed of trust is conclusively presumed satisfied 15 years from final maturity, unless affidavit filed to delay presumptive satisfaction; but foreclosure must be brought within 10 years after power of sale became absolute or w/in 10 years of last payment §1-47(3)
Notice of federal tax lien	§44-68-10 <i>et seq.</i> , 26 USC 6323 and 6502	10 years (plus 6 mo.)	Notice of federal tax lien, and notice of federal lien in the nature of federal tax liens (<i>E.g.</i> , Antiterrorism and Effective Death Penalty Act). Lien duration runs from assessment. Notice may be refiled once within 30 days of expiration of itemized assessment shown on notice, to extend for additional 10 years. Federal tax liens attach to properties held by Tenants by the Entirety even if against only spouse per <i>Craft</i> doctrine.
HHS institutional lien	§143-126.1	3 years	Lien for unpaid services rendered for hospitalization in state hospital, lien expires three (3) years from date of death of recipient/inpatient or last date of filing of notice of lien, if no action to enforce is commenced
Homeowners' association assessment	§47F-3-116	3 years	A lien for unpaid assessments arises upon docketing of claim of lien with CSC; extinguished unless proceedings to enforce the lien are instituted within 3 years after the docketing of the claim of lien
Judgment: foreign state court	§1C-1703	10 years	Valid upon recording in local CSC, but must send notice of docketing to judgment debtor, who has 30 days to contest, enforcement stayed during appeal
Judgment: federal court in favor of 3rd party	§1-237, §28 USC 3201	20 years	Becomes a lien against all real property when docketed and shall have all the rights, force and effect of a judgment or decree of the superior court of the county where docketed; may be renewed for one additional period of 20 years upon filing a notice of renewal
Judgment: federal court in favor of US	§44-68.12, §1-237; §28 USC 3201	20 years	Becomes a lien against all real property when docketed; condemnation judgments in favor of US. DO NOT have to be recorded in the county where the condemned land lies. [<i>US v. Norman Lumber Co</i> , 127 F. Supp. 518, (1955)]; may be lien against properties held by Tenants by the Entirety even if judgment is only against one spouse, <i>US v. Craft</i> ; may be renewed for one additional period of 20 years upon filing a notice of renewal.
Judgment: regular state civil action	§1-234, §1-235, §7A-225	10 years	Ten years from date of rendition of the judgment, but lien does not attach until docketed by CSC; judgment vs. one spouse does not attach to properties held by Tenants by the Entirety; judgment not automatically released upon Bankruptcy discharge; judgment may be renewed by separate action brought w/in 10 years §1-47-1
Mechanics' and materialmen's lien	Ch 44A, Art. 2	10 years	Claim of lien must be filed within 120 days of "last furnishing" (44A-12), suit to enforce lien must be filed within 180 days of last furnishing (44A-13), judgment <i>will relate back</i> to the date of first furnishing materials and supplies (44A-10). A notice to lien agent is discharged 5 years from delivery to lien agent, but it may be renewed prior to discharge (44A-11.2(r) and (s)).

Public health nuisance	§160A-193	10 years	Super priority lien* ; within city limits and up to one mile from city limits. Enforced in the same manner as unpaid ad valorem property taxes.
RICO lien (state)	§75D-13	5 years plus	Lien in favor of the State; originates from time of filing, state has five years to bring civil suit, lien terminates when civil suit is completed; period abates during appeal by innocent third party §75D-9
Solid waste lien	§160A-314.1(b)	10 years	Super priority lien* ; If city ordinance provides, solid waste fee can be a lien on real property, like tax lien
Special assessment lien	§160A-233, §153A-200	10 years	Super priority lien* ; local improvements like roads, sidewalks, sewer and water connections, lien arises from time assessment roll is confirmed in minutes of the governing body NOTE: not required to be filed in Clerk's office or tax office; lien of assessment takes effect when assessment roll is confirmed
State tax lien	§105-242	10 years	From date of docketing of Certificate of Tax Liability with the CSC (for state income tax, license tax, franchise taxes, etc.)
UCC financing statement	§25-9-515(a)	5 years (unless extended)	Filed in county registry if a fixture filing. May be extended by filing a continuation statement filed within six months before expiration of prior.
Unit ownership lien (pre 1986 condos)	§47A-22	10 years	Claim for unpaid common expense must be filed with CSC, and is a lien from filing
Wastewater system lien	§130A-343.1	10 years	Super priority lien* ; collected in the same manner as delinquent real property taxes; applies only to certain counties (Bertie, Camden, Chowan, Currituck, Gates, Hertford, Pasquotank, Perquimans, Tyrrell, Washington)

*Super Priority Lien: A lien which takes priority over all other liens and rights, except liens for other taxes, (including private encumbrances like Deeds of Trust) whether such liens or rights are created prior or subsequent to the docketing of the super priority lien.

**This table is not legal advice. It is intended only as a general overview of typical real estate-related liens, only for the consideration of lawyers. It is not intended to be, and may not be relied on as, applicable to any particular set of facts. Lawyers are cautioned to carefully review applicable law governing limitation periods and other provisions applicable to real estate-related liens.

**Many limitation periods are tolled or may otherwise be affected by factors such as bankruptcy, incompetency, military service, and the like. Any facts that might lawfully delay expiration of a lien should be carefully considered.

