

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 393

Short Title: Constructive Fraud/Limitations Period. (Public)

Sponsors: Senator Clodfelter (Primary Sponsor).

Referred to: Judiciary I.

March 25, 2013

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE LIMITATIONS PERIOD FOR ACTIONS ON THE
3 GROUND OF CONSTRUCTIVE FRAUD.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 1-52(9) reads as rewritten:

6 "**§ 1-52. Three years.**

7 Within three years an action -

8 ...

9 (9) For relief on the ground of ~~fraud or mistake;~~ fraud, either actual or
10 constructive, or mistake, except where a different period of limitations is
11 applicable in case of claims alleging constructive fraud brought under
12 Article 3A of Chapter 39 of the General Statutes or claims alleging actual or
13 constructive fraud under G.S. 75-1.1; further provided that the cause of
14 action shall not be deemed to have accrued until the discovery by the
15 aggrieved party of the facts constituting the actual or constructive fraud or
16 the mistake."

17 **SECTION 2.** This act is effective when it becomes law and applies to claims
18 arising on or after that date.

