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N.C.G.S.A. § 42-15

§ 42-15. Landlord's lien on crops for rents, advances, etc.; enforcement

Currentness

When lands are rented or leased by agreement, written or oral, for agricultural purposes, or are cultivated by a cropper, unless otherwise agreed between the parties to the lease or agreement, any and all crops raised on said lands shall be deemed and held to be vested in possession of the lessor or his assigns at all times, until the rents for said lands are paid and until all the stipulations contained in the lease or agreement are performed, or damages in lieu thereof paid to the lessor or his assigns, and until said party or his assigns is paid for all advancements made and expenses incurred in making and saving said crops.

This lien shall be preferred to all other liens, and the lessor or his assigns is entitled, against the lessee or cropper, or the assigns of either, who removes the crop or any part thereof from the lands without the consent of the lessor or his assigns, or against any other person who may get possession of said crop or any part thereof, to the remedies given in an action upon a claim for the delivery of personal property.

Provided, that when advances have been made by the federal government or any of its agencies, to any tenant or tenants on lands under the control of any guardian, executor and/or administrator for the purpose of enabling said tenant or tenants to plant, cultivate and harvest crops grown on said land, the said guardian, executor, and/or administrator may waive the above lien in favor of the federal government, or any of its agencies, making said advances.

Credits
Amended by Laws 1985, c. 689, § 11.

Notes of Decisions (93)

N.C.G.S.A. § 42-15, NC ST § 42-15
The statutes and Constitution are current through the end of the 2015 Regular Session and through 2016-3 of the 2016 Extra Session of the General Assembly.

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N.C.G.S.A. § 42-15.1

§ 42-15.1. Landlord's lien on crop insurance for rents, advances, etc.; enforcement

Currentness

Where lands are rented or leased by agreement, written or oral, for agricultural purposes, or are cultivated by a cropper, unless otherwise agreed between the parties to the lease or agreement, the landlord or his assigns shall have a lien on all the insurance procured by the tenant or cropper on the crops raised on the lands leased or rented to the extent of any rents due or advances made to the tenant or cropper.

The lien provided herein shall be preferred to all other liens on said insurance, and the landlord or his assigns shall be entitled to all the remedies at law for the enforcement of the lien.

Credits
Added by Laws 1959, c. 1291. Amended by Laws 1985, c. 689, § 12.

N.C.G.S.A. § 42-15.1, NC ST § 42-15.1
The statutes and Constitution are current through the end of the 2015 Regular Session and through 2016-3 of the 2016 Extra Session of the General Assembly.

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N.C.G.S.A. § 42-16

§ 42-16. Rights of tenants

Currentness

When the lessor or his assigns gets the actual possession of the crop or any part thereof otherwise than by the mode prescribed in G.S. 42-15, and refuses or neglects, upon a notice, written or oral, of five days, given by the lessee or cropper or the assigns of either, to make a fair division of said crop, or to pay over to such lessee or cropper or the assigns of either, such part thereof as he may be entitled to under the lease or agreement, then and in that case the lessee or cropper or the assigns of either is entitled to the remedies against the lessor or his assigns given in an action upon a claim for the delivery of personal property to recover such part of the crop as he, in law and according to the lease or agreement, may be entitled to. The amount or quantity of such crop claimed by said lessee or cropper or the assigns of either, together with a statement of the grounds upon which it is claimed, shall be fully set forth in an affidavit at the beginning of the action.

Notes of Decisions (11)

N.C.G.S.A. § 42-16, NC ST § 42-16
The statutes and Constitution are current through the end of the 2015 Regular Session and through 2016-3 of the 2016 Extra Session of the General Assembly.

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N.C.G.S.A. § 42-17

§ 42-17. Action to settle dispute between parties

Currentness

When any controversy arises between the parties, and neither party avails himself of the provisions of this Chapter, it is competent for either party to proceed at once to have the matter determined in the appropriate trial division of the General Court of Justice.

Credits
Amended by Laws 1971, c. 533, § 1.

Notes of Decisions (8)

N.C.G.S.A. § 42-17, NC ST § 42-17
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N.C.G.S.A. § 42-18

§ 42-18. Tenant's undertaking on continuance or appeal

Currentness

In case there is a continuance or an appeal from the magistrate's decision to the district court, the lessee or cropper, or the assigns of either, shall be allowed to retain possession of said property upon his giving an undertaking to the lessor or his assigns, or the adverse party, in a sum double the amount of the claim, if such claim does not amount to more than the value of such property, otherwise to double the value of such property, with good and sufficient surety, to be approved by the magistrate or the clerk of the superior court, conditioned for the faithful payment to the adverse party of such damages as he shall recover in said action.

Credits

Amended by Laws 1971, c. 533, § 2.

N.C.G.S.A. § 42-18, NC ST § 42-18

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N.C.G.S.A. § 42-19

§ 42-19. Crops delivered to landlord on his undertaking

Currentness

In case the lessee or cropper, or the assigns of either, at the time of the appeal or continuance mentioned in G.S. 42-18, fails to give the undertaking therein required, then the sheriff or other lawful officer shall deliver the property into the actual possession of the lessor or his assigns, upon the lessor or his assigns giving to the adverse party an undertaking in double the amount of said property, to be justified as required in G.S. 42-18, conditioned for the forthcoming of such property, or the value thereof, in case judgment is pronounced against him.

Credits
Amended by Laws 1973, c. 108, § 17.

Notes of Decisions (1)

N.C.G.S.A. § 42-19, NC ST § 42-19
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N.C.G.S.A. § 42-20

§ 42-20. Crops sold, if neither party gives undertaking

Currentness

If neither party gives the undertaking described in G.S. 42-18 and 42-19, it is the duty of the clerk of the superior court to issue an order to the sheriff, or other lawful officer, directing him to take into his possession all of said property, or so much thereof as may be necessary to satisfy the claimant's demand and costs, and to sell the same under the rules and regulations prescribed by law for the sale of personal property under execution, and to hold the proceeds thereof subject to the decision of the court upon the issue or issues pending between the parties.

Credits
Amended by Laws 1971, c. 533, § 3.

N.C.G.S.A. § 42-20, NC ST § 42-20
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N.C.G.S.A. § 42-21

§ 42-21. Tenant's crop not subject to execution against landlord

Currentness

Whenever servants and laborers in agriculture shall by their contracts, oral or written, be entitled, for wages, to a part of the crops cultivated by them, such part shall not be subject to sale under executions against their employers, or the owners of the land cultivated.

N.C.G.S.A. § 42-21, NC ST § 42-21
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N.C.G.S.A. § 42-22

§ 42-22. Unlawful seizure by landlord or removal by tenant misdemeanor

Currentness

If any landlord shall unlawfully, willfully, knowingly and without process of law, and unjustly seize the crop of his tenant when there is nothing due him, he shall be guilty of a Class 1 misdemeanor. If any lessee or cropper, or the assigns of either, or any other person, shall remove a crop, or any part thereof, from land without the consent of the lessor or his assigns, and without giving him or his agent five days' notice of such intended removal, and before satisfying all the liens held by the lessor or his assigns, on said crop, he shall be guilty of a Class 1 misdemeanor.

Credits

Amended by Laws 1993, c. 539, §§ 404, 1359, eff. Oct. 1, 1994; Laws 1994 (1st Ex. Sess.), c. 24, § 14(c), eff. March 26, 1994.

Notes of Decisions (30)

N.C.G.S.A. § 42-22, NC ST § 42-22

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N.C.G.S.A. § 42-22.1

§ 42-22.1. Failure of tenant to account for sales under tobacco marketing cards

Currentness

Any tenant or share cropper having possession of a tobacco marketing card issued by any agency of the State or federal government who sells tobacco authorized to be sold thereby and fails to account to his landlord, to the extent of the net proceeds of such sale or sales, for all liens, rents, advances, or other claims held by his landlord against the tobacco or the proceeds of the sale of such tobacco, shall be guilty of a Class 1 misdemeanor.

Credits

Added by Laws 1949, c. 193. Amended by Laws 1993, c. 539, § 405, eff. Oct. 1, 1994; Laws 1994 (1st Ex. Sess.), c. 24, § 14(c), eff. March 26, 1994.

Notes of Decisions (7)

N.C.G.S.A. § 42-22.1, NC ST § 42-22.1
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N.C.G.S.A. § 42-23

§ 42-23. Terms of agricultural tenancies in certain counties

Currentness

All agricultural leases and contracts hereafter made between landlord and tenant for a period of one year or from year to year, whether such tenant pay a specified rental or share in the crops grown, such year shall be from December first to December first, and such period of time shall constitute a year for agricultural tenancies in lieu of the law and custom heretofore prevailing, namely from January first to January first. In all cases of such tenancies a notice to quit of one month as provided in G.S. 42-14 shall be applicable. If on account of illness or any other good cause, the tenant is unable to harvest all the crops grown on lands leased by him for any year prior to the termination of his lease contract on December first, he shall have a right to return to the premises vacated by him at any time prior to December thirty-first of said year, for the purpose only of harvesting and dividing the remaining crops so ungathered. But he shall have no right to use the houses or outbuildings or that part of the lands from which the crops have been harvested prior to the termination of the tenant year, as defined in this section.

This section shall only apply to the counties of Alamance, Anson, Ashe, Bladen, Brunswick, Columbus, Craven, Cumberland, Duplin, Edgecombe, Gaston, Greene, Hoke, Jones, Lenoir, Lincoln, Montgomery, Onslow, Pender, Person, Pitt, Robeson, Sampson, Wayne and Yadkin.

Credits

Amended by Laws 1943, c. 68; Laws 1945, c. 700; Laws 1949, c. 136; Laws 1953, c. 499, § 1; Laws 1955, c. 136; Laws 1959, c. 1076; Laws 1981, c. 97, § 1.

Notes of Decisions (2)

N.C.G.S.A. § 42-23, NC ST § 42-23

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N.C.G.S.A. § 42-24

§ 42-24. Turpentine and lightwood leases

Currentness

This Chapter shall apply to all leases or contracts to lease turpentine trees, or use lightwood for purposes of making tar, and the parties thereto shall be fully subject to the provisions and penalties of this Chapter.

Notes of Decisions (2)

N.C.G.S.A. § 42-24, NC ST § 42-24
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N.C.G.S.A. § 42-25

§ 42-25. Mining and timberland leases

Currentness

If in a lease of land for mining, or of timbered land for the purpose of manufacturing the timber into goods, rent is reserved, and if it is agreed in the lease that the minerals, timber or goods, or any portion thereof, shall not be removed until the payment of the rent, in such case the lessor shall have the rights and be entitled to the remedy given by this Chapter.

Notes of Decisions (2)

N.C.G.S.A. § 42-25, NC ST § 42-25
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N.C.G.S.A. § 42-25.1

§§ 42-25.1 to 42-25.5. Reserved

Currentness

N.C.G.S.A. § 42-25.1, NC ST § 42-25.1
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N.C.G.S.A. § 42-25.5

§§ 42-25.1 to 42-25.5. Reserved

Currentness

N.C.G.S.A. § 42-25.5, NC ST § 42-25.5
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