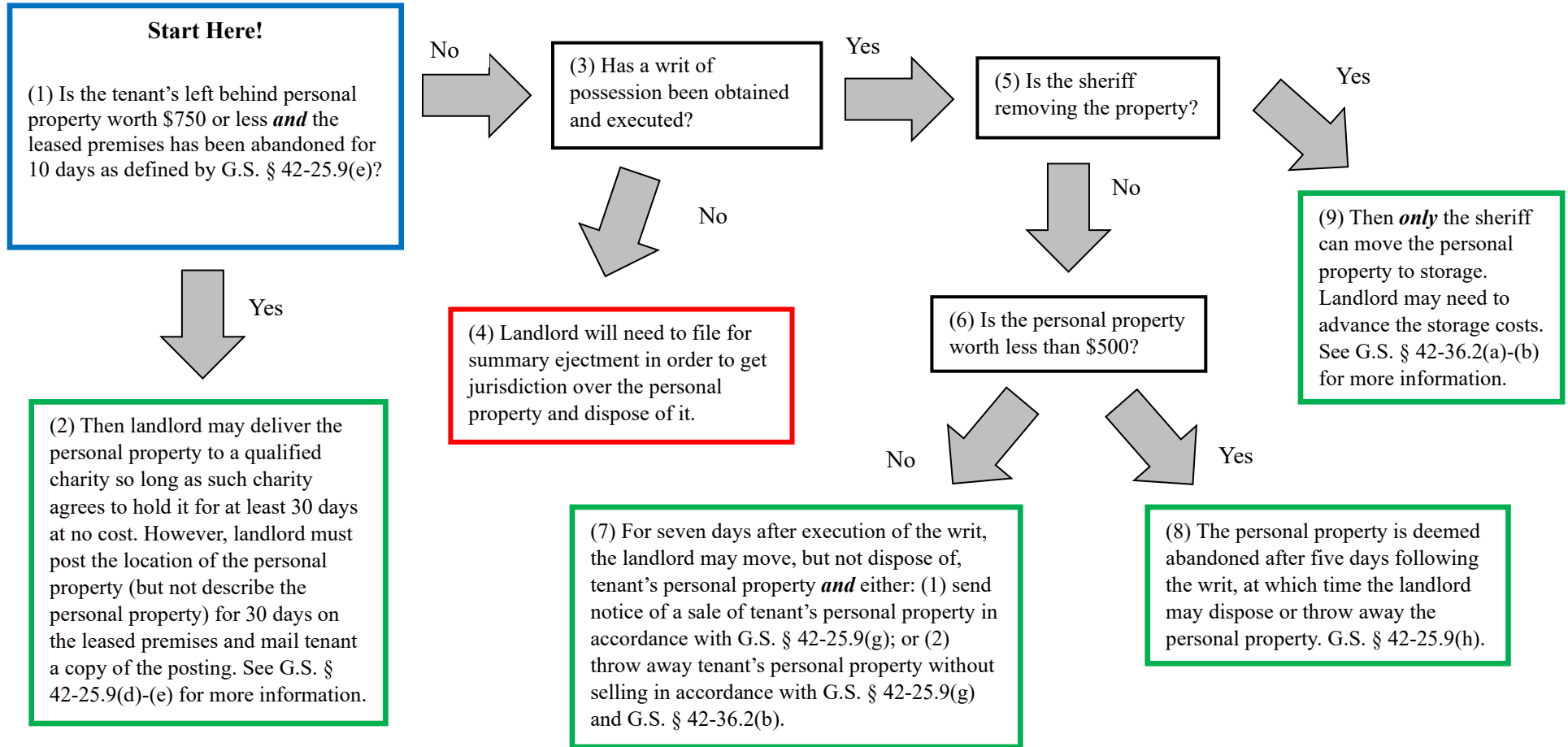


## TENANT PERSONAL PROPERTY FLOWCHART

**WARNING:** Agents are strongly advised to stop and consult with an attorney before disposing of tenant personal property if there is any question as to whether disposal of the personal property is permitted under North Carolina law.



## IMPORTANT INFORMATION FOR TENANT PERSONAL PROPERTY FLOWCHART

1. Writs of possession must be executed by the sheriff within five days following receipt. See N.C.G.S. § 42-36.2.
2. A writ of possession from the clerk on Form AOC-CV-401 directs the sheriff to deliver possession of the real property to the landlord. Once a writ of possession is executed by the sheriff, the landlord or his agents may immediately enter the real property and may then follow the statutes to dispose of the tenant's personal property left behind, if necessary. See N.C.G.S. § 1-313(4).
3. This flowchart explains the several processes available for the landlord to dispose of the tenant's left behind personal property. Until the landlord can dispose of the tenant's personal property by one of these processes, it belongs to and remains the responsibility of the tenant. See N.C.G.S. § 42-25.9(b). North Carolina law has long held that animals are personal property. See, e.g., *Shera v. N.C. State Univ. Veterinary Teaching Hosp.*, 219 N.C. App. 117, 723 S.E.2d 352 (2012). If the tenant leaves animals behind, the landlord should immediately notify animal control and permit access to have the animals removed.

**THE NORTH CAROLINA ASSOCIATION OF REALTORS®, INC., MAKES NO REPRESENTATION AS TO THE LEGAL VALIDITY OR ADEQUACY OF THIS FORM. YOU SHOULD CONSULT A NORTH CAROLINA ATTORNEY PRIOR TO DISPOSING OF TENANT PERSONAL PROPERTY IF THERE IS ANY QUESTION AS TO WHETHER DISPOSAL OF SUCH PERSONAL PROPERTY IS ALLOWED BY NORTH CAROLINA LAW.**

