

21 NCAC 12 .0903 is amended with changes as published in 33:22 NCR 2214-2221 as follows:

21 NCAC 12 .0903 APPLICATION FOR PAYMENT

(a) ~~Applicants desiring to obtain payment from the fund shall file a verified application with the Board on a prescribed form. The form shall require information concerning the applicant and the claim including, but not limited to, Homeowners meeting the requirements of G.S. 87-15.8 who wish to file for reimbursement from the Homeowners Recovery Fund shall provide the following information on an application prescribed by the Board:~~

- 1) the applicant's name and address,
- 2) the amount of the claim,
- 3) a description of the acts of the general contractor which constitute the grounds for the ~~claim~~ claim,
and
- 4) a statement that ~~all court proceedings are concluded~~ the applicant has exhausted all civil remedies
or the general contractor has filed for bankruptcy.

Requests for the application form shall be directed to the Board at the address shown in Rule .0101 of this Chapter.

(b) If the applicant has exhausted all civil remedies pursuant to ~~G.S. 87-15.8(3)~~, G.S. 87-15.8(3)(a), the application shall include certified copies ~~from the civil action~~ of the complaint, ~~judgment~~ judgment, and return of execution marked as ~~unsatisfied~~. "unsatisfied."

(c) If the applicant is claiming against a general contractor ~~that~~ was a corporation which was dissolved no later than one year after the date of discovery by the applicant of the facts constituting the dishonest or incompetent conduct, ~~and the applicant did not commence a civil action against the general contractor~~, then the applicant shall include certified copies of documents evidencing the dissolution.

(d) If the applicant has been precluded from filing suit, obtaining a judgment judgment, or otherwise proceeding due to the bankruptcy of the general contractor, then the applicant shall submit a certified copy of the bankruptcy petition petition, ~~and~~ any proof of claim, and documents from the bankruptcy court or trustee certifying that the applicant has not and will not receive any payment from the bankruptcy proceeding.

(e) If the applicant is claiming against the estate of a deceased general contractor, then the applicant shall submit a statement from the administrator of the estate certifying that the applicant has not and will not receive any payment from the estate.

(f) If the applicant includes copies of a judgment and return of execution marked as unsatisfied, the applicant must demonstrate that the writ of execution was filed in the following counties:

- (1) where the project at issue was located;
- (2) where the contractor's last known principal place of business was located; and
- (3) if the contractor was a licensee of the Board, the county in which the last address provided to the Board was located.

*History Note: Authority G.S. 87-15.6; 87-15.7; 87-15.8;
Eff. January 4, 1993;*

1 *Amended Eff. March 1, 2005; August 1, 1998;*
2 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*
3 *~~2016-~~ 2016;*
4 *Amended Eff. September 1, 2019.*