

North Carolina Eviction Process: Notices, Court Steps and Timeline

Summary for landlords and property managers. Last reviewed October 29, 2026. Full guide: <https://www.generationadvisory.com/laws/north-carolina-eviction-process>

North Carolina handles evictions as summary ejectment cases, usually heard by a magistrate in small claims court. The process is fast, either side can appeal to district court within 10 days, and only the sheriff can carry out the removal.

Key points

- When the lease sets a rent due date, the landlord may end the tenancy after making a demand for past due rent and waiting 10 days without payment, unless the lease sets a different rule.
- A month-to-month tenancy can be ended with 7 days of notice, a week-to-week tenancy with 2 days, and a year-to-year tenancy with one month.
- Summary ejectment cases are filed in small claims court in the county where the property is located and are usually heard by a magistrate.
- The tenant does not have to file a written answer before the small claims hearing, and either side may appeal to district court within 10 days after the judgment.
- Once the 10 day appeal window closes without an appeal, the court can issue a writ for possession, which the sheriff must carry it out within 5 days of receiving it after notifying the tenant of the approximate time.

North Carolina at a glance

Rule	North Carolina	Law
Notice for unpaid rent	When the lease sets a rent due date, the landlord may end the tenancy after making a demand for past due rent and waiting 10 days without payment, unless the lease sets a different rule.	N.C. General Statutes section 42-3
Notice for a lease violation	For a breach other than unpaid rent, a landlord can usually evict only if the lease says the tenancy ends on that breach.	N.C. General Statutes Chapter 42 (summary ejectment)
Ending a tenancy without cause	A month-to-month tenancy can be ended with 7 days of notice, a week-to-week tenancy with 2 days, and a year-to-year tenancy with one month.	N.C. General Statutes section 42-14

Rule	North Carolina	Law
Where the case is filed	Summary ejectment cases are filed in small claims court in the county where the property is located and are usually heard by a magistrate.	N.C. General Statutes sections 42-26 to 42-36 and Chapter 7A
Tenant response time	The tenant does not have to file a written answer before the small claims hearing, and either side may appeal to district court within 10 days after the judgment.	N.C. General Statutes section 7A-228
Removal after judgment	Once the 10 day appeal window closes without an appeal, the court can issue a writ for possession, which the sheriff must carry it out within 5 days of receiving it after notifying the tenant of the approximate time.	N.C. General Statutes section 42-36.2
Typical overall timeline	An uncontested case often takes about three to six weeks from the demand to removal, longer if either side appeals.	Court practice (estimate)

Timeline

Step	Typical time	Rule
Notice period for unpaid rent	10 days	N.C. General Statutes section 42-3
Notice period for a lease violation	Varies	N.C. General Statutes Chapter 42 (summary ejectment)
Tenant response after the case is served	Set by the court	N.C. General Statutes section 7A-228
From judgment to removal	5 days	N.C. General Statutes section 42-36.2
Whole case, uncontested	A few weeks	Court practice (estimate)

Mistakes to avoid

- Demanding more than the rent actually owed in a notice for unpaid rent, for example by adding late fees or utilities.
- Counting the notice period wrong and filing a day too early.
- Taking partial rent after serving a notice without knowing how it affects the case.
- Keeping no proof of service. Write down who delivered the notice, how and when, and keep a copy.
- Trying to speed things up with a lockout, a utility shutoff or by moving belongings out.

Verify current law

Laws named in this summary:

- N.C. General Statutes section 42-3
- N.C. General Statutes Chapter 42 (summary ejectment)
- N.C. General Statutes section 42-14
- N.C. General Statutes sections 42-26 to 42-36 and Chapter 7A
- N.C. General Statutes section 7A-228
- N.C. General Statutes section 42-36.2
- North Carolina court costs schedule
- N.C. General Statutes sections 42-25.6 to 42-25.9

Official sources:

- North Carolina General Assembly: General Statutes: <https://www.ncleg.gov/Laws/GeneralStatutes>
- North Carolina Judicial Branch: <https://www.nccourts.gov/>

General information, not legal advice. Check current law and talk to a North Carolina attorney before you act.
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