

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 250  
SENATE BILL 409

AN ACT TO AMEND G.S. 1-38 RELATING TO THE POSSESSION OF REAL PROPERTY  
WITH RESPECT TO COLOR OF TITLE.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 1-38 is hereby amended by redesignating the present statute as paragraph (a) and by adding a new paragraph at the end thereof to read as follows:

"(b) If,

- (1) The marking of boundaries on the property by distinctive markings on trees or by the implacement of visible metal or concrete boundary markers in the boundary lines surrounding the property, such markings to be visible to a height of 18 inches above the ground, and
- (2) The recording of a map prepared from an actual survey by a surveyor registered under the laws of North Carolina, in the book of maps in the office of the register of deeds in the county where the real property is located, with a certificate attached to said map by which the surveyor certifies that the boundaries as shown by the map are those described in the deed or other title instrument or proceeding from which the survey was made, the surveyor's certificate reciting the book and page or file number of the deed, other title instrument or proceeding from which the survey was made, then the listing and paying of taxes on the real property marked and for which a survey and map have been certified and recorded as provided in subdivisions (1) and (2) above shall constitute prima facie evidence of possession of real property under known and visible lines and boundaries; provided, that certificates in accordance with the foregoing may be affixed to maps presently recorded and thus comply with this statute."

(c) Maps recorded prior to the effective date hereof shall qualify as if they had been certified as herein provided if said maps can be proven to conform to the boundary lines on the ground and to conform to instruments of record conveying the land which is the subject matter of the map, to the person whose name is indicated on said recorded map as the owner thereof. Maps recorded after the effective date of this Act shall comply with the provisions for a certificate as hereinbefore set forth.

**Sec. 2.** This act shall become effective October 1, 1973.

In the General Assembly read three times and ratified, this the 20th day of April, 1973.