

GENERAL ASSEMBLY OF NORTH CAROLINA  
1991 SESSION

CHAPTER 268  
SENATE BILL 764

AN ACT TO PROVIDE THAT ACTIONS FOR NEGLIGENT OR DEFICIENT SURVEYING OR PLATTING AGAINST REGISTERED LAND SURVEYORS BE COMMENCED WITHIN THREE YEARS AND IN NO EVENT MORE THAN TEN YEARS FROM THE ACT OR OMISSION GIVING RISE TO THE ACTION, AND TO AMEND THE LAW PROVIDING MAPPING REQUIREMENTS FOR PLATS AND SUBDIVISIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-52 reads as rewritten:

**"§ 1-52. Three years.**

Within three years an action –

- (1) Upon a contract, obligation or liability arising out of a contract, express or implied, except those mentioned in the preceding sections or in G.S. 1-53(1).
- (2) Upon a liability created by statute, either state or federal, unless some other time is mentioned in the statute creating it.
- (3) For trespass upon real property. When the trespass is a continuing one, the action shall be commenced within three years from the original trespass, and not thereafter.
- (4) For taking, detaining, converting or injuring any goods or chattels, including action for their specific recovery.
- (5) For criminal conversation, or for any other injury to the person or rights of another, not arising on contract and not hereafter enumerated.
- (6) Against the sureties of any executor, administrator, collector or guardian on the official bond of their principal; within three years after the breach thereof complained of.
- (7) Against bail; within three years after judgment against the principal; but bail may discharge himself by a surrender of the principal, at any time before final judgment against the bail.
- (8) For fees due to a clerk, sheriff or other officer, by the judgment of a court; within three years from the rendition of the judgment, or the issuing of the last execution thereon.
- (9) For relief on the ground of fraud or mistake; the cause of action shall not be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud or mistake.
- (10) Repealed by Session Laws 1977, c. 886, s. 1.

- (11) For the recovery of any amount under and by virtue of the provisions of the Fair Labor Standards Act of 1938 and amendments thereto, said act being an act of Congress.
- (12) Upon a claim for loss covered by an insurance policy which is subject to the three-year limitation contained in lines 158 through 161 of the Standard Fire Insurance Policy for North Carolina, G.S. 58-44-15(c).
- (13) Against a public officer, for a trespass, under color of his office.
- (14) An action under Chapter 75B of the General Statutes, the action in regard to a continuing violation accrues at the time of the latest violation.
- (15) For the recovery of taxes paid as provided in G.S. 105-267 and G.S. 105-381.
- (16) Unless otherwise provided by statute, for personal injury or physical damage to claimant's property, the cause of action, except in causes of actions referred to in G.S. 1-15(c), shall not accrue until bodily harm to the claimant or physical damage to his property becomes apparent or ought reasonably to have become apparent to the claimant, whichever event first occurs. Provided that no cause of action shall accrue more than 10 years from the last act or omission of the defendant giving rise to the cause of action.
- (17) Against a public utility, electric or telephone membership corporation, or a municipality for damages or for compensation for right-of-way or use of any lands for a utility service line or lines to serve one or more customers or members unless an inverse condemnation action or proceeding is commenced within three years after the utility service line has been constructed or by October 1, 1984, whichever is later.
- (18) Against any registered land surveyor as defined in G.S. 89C-3(9) or any person acting under his supervision and control for physical damage or economic or monetary loss due to negligence or a deficiency in the performance of surveying or platting as defined in G.S. 1-50(7)."

Sec. 2. G.S. 1-50 reads as rewritten:

**"§ 1-50. Six years.**

Within six years an action –

- (1) Upon the official bond of a public officer.
- (2) Against an executor, administrator, collector, or guardian on his official bond, within six years after the auditing of his final account by the proper officer, and the filing of the audited account as required by law.
- (3) For injury to any incorporeal hereditament.
- (4) Against a corporation, or the holder of a certificate or duplicate certificate of stock in the corporation, on account of any dividend, either a cash or stock dividend, paid or allotted by the corporation to

the holder of the certificate or duplicate certificate of stock in the corporation.

- (5) a. No action to recover damages based upon or arising out of the defective or unsafe condition of an improvement to real property shall be brought more than six years from the later of the specific last act or omission of the defendant giving rise to the cause of action or substantial completion of the improvement.
- b. For purposes of this subdivision, an action based upon or arising out of the defective or unsafe condition of an improvement to real property includes:
1. Actions to recover damages for breach of a contract to construct or repair an improvement to real property;
  2. Actions to recover damages for the negligent construction or repair of an improvement to real property;
  3. Actions to recover damages for personal injury, death or damage to property;
  4. Actions to recover damages for economic or monetary loss;
  5. Actions in contract or in tort otherwise;
  6. Actions for contribution indemnification for damages sustained on account of an action described in this subdivision;
  7. Actions against a surety or guarantor of a defendant described in this subdivision;
  8. Actions brought against any current or prior owner of the real property or improvement, or against any other person having a current or prior interest therein;
  9. Actions against any person furnishing materials, or against any person who develops real property or who performs or furnishes the design, plans, specifications, surveying, supervision, testing or observation of construction, or construction of an improvement to real property, or a repair to an improvement to real property.
- c. For purposes of this subdivision, 'substantial completion' means that degree of completion of a project, improvement or specified area or portion thereof (in accordance with the contract, as modified by any change orders agreed to by the parties) upon attainment of which the owner can use the same for the purpose for which it was intended. The date of substantial completion may be established by written agreement.
- d. The limitation prescribed by this subdivision shall not be asserted as a defense by any person in actual possession or

control, as owner, tenant or otherwise, of the improvement at the time the defective or unsafe condition constitutes the proximate cause of the injury or death for which it is proposed to bring an action, in the event such person in actual possession or control either knew, or ought reasonably to have known, of the defective or unsafe condition.

- e. The limitation prescribed by this subdivision shall not be asserted as a defense by any person who shall have been guilty of fraud, or willful or wanton negligence in furnishing materials, in developing real property, in performing or furnishing the design, plans, specifications, surveying, supervision, testing or observation of construction, or construction of an improvement to real property, or a repair to an improvement to real property, or to a surety or guarantor of any of the foregoing persons, or to any person who shall wrongfully conceal any such fraud, or willful or wanton negligence.
  - f. This subdivision prescribes an outside limitation of six years from the later of the specific last act or omission or substantial completion, within which the limitations prescribed by G.S. 1-52 and 1-53 continue to run. For purposes of the three-year limitation prescribed by G.S. 1-52, a cause of action based upon or arising out of the defective or unsafe condition of an improvement to real property shall not accrue until the injury, loss, defect or damage becomes apparent or ought reasonably to have become apparent to the claimant. However, as provided in this subdivision, no action may be brought more than six years from the later of the specific last act or omission or substantial completion.
  - g. The limitation prescribed by this subdivision shall apply to the exclusion of G.S. 1-15(c), G.S. 1-52(16) and G.S. 1-47(2).
- (6) No action for the recovery of damages for personal injury, death or damage to property based upon or arising out of any alleged defect or any failure in relation to a product shall be brought more than six years after the date of initial purchase for use or consumption.
- (7) a. No action against any registered land surveyor as defined in G.S. 89C-3(9) or any person acting under his supervision and control for physical damage or for economic or monetary loss due to negligence or a deficiency in the performance of surveying or platting shall be brought more than 10 years from the last act or omission giving rise to the cause of action.
- b. For purposes of this subdivision, 'surveying and platting' means boundary surveys, topographical surveys, surveys of property

lines, and any other measurement or surveying of real property and the consequent graphic representation thereof.

c. The limitation prescribed by this subdivision shall apply to the exclusion of G.S. 1-15(c) and G.S. 1-52(16)."

Sec. 3. G.S 47-30 reads as rewritten:

**"§ 47-30. Plats and subdivisions; mapping requirements.**

(a) Size Requirements. – All land plats presented to the register of deeds for recording in the registry of a county in North Carolina after ~~January 1, 1984, September 30, 1991,~~ shall have having an outside marginal size of not more than either 18 inches by 24 inches, 21 inches by 30 inches, or 24 inches by 36 inches, nor less than eight and one-half inches by 14 inches, and shall include a and having a minimum one and one-half inch border on the left side and a minimum one-half inch border on each side. on the other sides shall be deemed to meet the size requirements for recording under this section. Registers of deeds may require a one and one-half inch border on one side for binding. Where size of land areas, or suitable scale to assure legibility require, plats may be placed on two or more sheets with appropriate match lines. Counties may specify a specific size within the limits of these requirements: either:

- (1) Only 18 inches by 24 inches;
  - (2) A combination of 18 inches by 24 inches and 21 inches by 30 inches;
  - (3) A combination of 18 inches by 24 inches and 24 inches by 36 inches;
- or
- (4) A combination of all three sizes.

Provided, that all registers of deeds where a specific size is specified specific sizes other than the combination of all three sizes have been specified, shall be required to submit said size specifications to the North Carolina Association of Registers of Deeds for inclusion on a master list of all such counties. The list shall be available in each register of deeds office by October 1, 1991. posted in each register of deeds office. All counties currently operating under statutes or other laws setting forth regulatory size will be allowed to continue to use such sizes as are currently in use until January 1, 1984, on or before which time they shall modify their size to conform to those shown above. For purposes of this section, the terms 'plat' and 'map' are synonymous.

(b) Plats to Be Reproducible. – Each plat presented for recording shall be a reproducible ~~plat in linen, film, mylar or other similar, transparent and permanent material~~ plat, either original ink on polyester film (mylar), or a reproduced drawing, transparent and archival (as defined by the American National Standards Institute), and submitted in this form. White prints may be submitted provided the filing officer has access to reproductive facilities to make a permanent master copy thereof by a process from which a direct copy can be made. In any case the process The recorded plat must be such that the public may obtain legible copies. A direct or photographic copy of each recorded plat shall be placed in the plat book or plat file maintained for that purpose and properly indexed for use. All filing officers are authorized to make permanent master copies of plats that have been recorded and filed before January 1, 1984, and may return the originals to the person offering them for recordation.

(c) Information Contained in Title of Plat. – The title of each plat shall contain the following information: property designation, name of ~~owner~~, owner (the name of owner shall be shown for indexing purposes only and is not to be construed as title certification), location to include township, county and state, the date or dates the survey was made; scale ~~in feet per inch~~ or scale ratio in words or figures and bar graph; name and address of surveyor or firm preparing the plat.

(d) Certificate; Form. – There shall appear on each plat a certificate by the person under whose supervision such survey or such plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon. The ratio of precision ~~as calculated by latitudes and departures~~ before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgments by the registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one sheet, only ~~the first one~~ sheet must contain the certification and all ~~subsequent other~~ sheets must be signed and sealed.

The certificate required above shall include the source of information for the survey and data indicating the ~~accuracy of closure of the plat~~ ratio of precision of the survey before adjustments and shall be in substantially the following form:

I, ....., certify that this plat was drawn under my supervision from ~~(an actual survey made under my supervision)~~ an actual survey made under my supervision (deed description recorded in Book ....., page ....., etc.) (other); that the boundaries not surveyed are ~~shown as broken lines~~ plotted clearly indicated as drawn from information found in Book ....., page .....; that the ratio of precision as calculated is 1:.....; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this ..... day of ....., A.D., 19.....

Seal or Stamp

.....  
Surveyor

.....  
Registration Number'

The certificate of the Notary shall read as follows:

'North Carolina, .....County.

I, a Notary Public of the County and State aforesaid, certify that....., a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this..... day of ....., 19.....

~~Seal Stamp~~ Seal or Stamp

Notary Public

My Commission expires.....'

Nothing in this requirement shall prevent the recording of a map that was prepared in accordance with a previous version of G.S. 47-30 as amended, properly signed, and notarized under the statutes applicable at the time of the signing of the map. However, it shall be the responsibility of the person presenting the map to prove that the map was so prepared.

(e) Method of Computation. – An accurate method of computation shall be used to determine the acreage and ratio of precision shown on the plat. Area by estimation is not acceptable nor is area by planimeter, area by scale, or area ~~copies~~ copied from another source, except in the case of tracts containing inaccessible sections or areas. In such case the surveyor may make use of aerial photographs or other appropriate aids to determine the acreage of such inaccessible areas when such areas are bounded by natural and visible monuments. In such case the ~~The~~ methods used must be fully stated and explained on the face of the plat and all accessible areas of the tract shall remain subject to all applicable standards of this section.

(f) Plat to Contain Specific Information. – Every plat shall contain the following specific information:

- (1) An accurately positioned north arrow coordinated with any bearings shown on the plat. Indication shall be made as to whether the north index is true, magnetic, North Carolina ~~grid,~~ grid ('NAD 83' or 'NAD 27'), or is referenced to old deed or plat bearings. If the north index is magnetic or referenced to old deed or plat bearings, the date and the source (if known) such index was originally determined shall be clearly indicated.
- (2) The azimuth or ~~courses~~ course and ~~distances as surveyed of every line~~ distance of every property line surveyed shall be shown. Distances shall be in feet or meters and decimals thereof. The number of decimal places shall be appropriate to the class of survey required.
- (3) All plat ~~lines~~ distances shall be by horizontal (~~level~~) or grid measurements. All ~~information~~ lines shown on the plat shall be correctly plotted to the scale shown. Enlargement of portions of a plat are acceptable in the interest of clarity, where shown as ~~inserts on the same sheet.~~ inserts. Where the North Carolina grid system is used the grid factor shall be shown on the face of the ~~plat and a designation as to whether horizontal ground distances or grid distances were used.~~ plat. If grid distances are used, it must be shown on the plat.
- (4) Where a boundary is formed by a curved line, the following data must be given: actual survey data from the point of curvature to the point of tangency shall be shown as standard curve data, or as a traverse of bearings and distances around the curve. If standard curve data is used the bearing and distance of the long chord (from point of curvature to point of tangency) must be shown on ~~the face of the plat.~~
- (5) Where a subdivision of land is set out on the plat, all streets and lots shall be ~~carefully~~ accurately plotted with dimension lines indicating

widths and all other information pertinent to reestablishing all lines in the field. This shall include bearings and distances sufficient to form a continuous closure of the entire perimeter.

- (6) Where control corners have been established in compliance with G.S. 39-32.1, 39-32.2, 39-32.3, and 39-32.4, as amended, the location and pertinent information as required in the reference statute shall be plotted on the plat. All other corners which are marked by monument or natural object shall be so identified on all plats, and where practical all corners of adjacent owners ~~in~~ along the boundary lines of the subject tract which are marked by monument or natural object ~~must~~ shall be shown with a distance from one or more of the subject tract's corners. ~~shown.~~
- (7) The names of adjacent ~~landowners along with~~ landowners, or lot, block or block, parcel identifier and parcel, subdivision designations or other legal reference where applicable, shall be shown where they could be determined by the surveyor.
- (8) All visible and apparent rights-of-way, watercourses, utilities, roadways, and other such improvements shall be accurately located where crossing or forming any boundary line of the property shown.
- (9) Where the plat is the result of a survey, one or more corners shall, by a system of azimuths or courses and distances, be accurately tied to and coordinated with a horizontal control monument of some United States or State Agency survey system, such as the ~~National~~ North Carolina Geodetic Survey (formerly U.S. Coast and Geodetic Survey) system, where such monument is within 2,000 feet of ~~said corner. the subject property.~~ Where the North Carolina Grid System coordinates of said monument are on file in the North Carolina Department of Environment, Health, and Natural Resources, the coordinates of both the referenced corner ~~shall be computed~~ and the monuments used shall be shown in X (easting) and Y (northing) ~~ordinates~~ coordinates on the ~~map.~~ plat. The coordinates shall be identified as based on 'NAD 83,' indicating North American Datum of 1983, or as 'NAD 27,' indicating North American Datum of 1927. The tie lines to the monuments shall also be sufficient to establish true north or grid north bearings for the plat if the monuments exist in pairs. Within a previously recorded subdivision that has been tied to grid control, control monuments within the subdivision may be used in lieu of additional ties to grid control. Within a previously recorded subdivision that has not been tied to grid control, if horizontal control monuments are available within 2,000 feet, the above requirements shall be met; but in the interest of bearing consistency with previously recorded plats, existing bearing control should be used where practical. In the absence of Grid Control, other appropriate natural monuments or landmarks shall be

used. In all cases, the tie lines shall be sufficient to accurately reproduce the subject lands from the control or reference points used.

(10) A vicinity map (location map) shall appear on the face of the plat.

(11) Notwithstanding any other provision contained in this section, it is the duty of the surveyor, by a certificate on the face of the plat, to certify to one of the following:

a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;

b. That the survey is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;

c. That the survey is of an existing parcel or parcels of land;

d. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;

e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of his or her professional ability as to provisions contained in (a) through (d) above.

However, if the plat contains the certificate of a surveyor as stated in a., d., or e. above, then the plat shall have, in addition to said surveyor's certificate, a certification of approval, or no approval required, as may be required by local ordinance from the appropriate government authority before the plat is presented for recordation. If the plat contains the certificate of a surveyor as stated in b. or c. above, nothing shall prevent the recordation of the plat if all other provisions have been met.

(g) Recording of Plat. – For purposes of recording, the register of deeds shall not be responsible for:

(1) The provisions of subsection (b), as to archival;

(2) The provisions of subsection (d), except for the notary certificate;

(3) The provisions of subsection (e); or

(4) The provisions of subdivisions (2) through (9) of subsection (f).

A plat, when proven and probated as provided herein for deeds and other conveyances, when presented for recording, shall be recorded in the plat book or plat file and when so recorded shall be duly indexed. Reference in any instrument hereafter executed to the record of any plat herein authorized shall have the same effect as if the description of the lands as indicated on the record of the plat were set out in the instrument.

(h) Nothing in this section shall be deemed to prevent the filing of any plat prepared by a registered land surveyor but not recorded prior to the death of the registered land surveyor. However, it is the responsibility of the person presenting the map to prove that the plat was so prepared. For preservation these plats may be filed without signature, notary acknowledgement or probate, in a special plat file.

(i) Nothing in this section shall be deemed to invalidate any instrument or the title thereby conveyed making reference to any recorded plat.

(j) The provisions of this section shall not apply to boundary plats of areas annexed by municipalities nor to plats of municipal boundaries, whether or not required by law to be recorded.

(k) The provisions of this section shall apply to all ~~100~~—counties in North Carolina. Where local law is in conflict with this section, the provisions in this section shall apply. Failure of a plat to conform in all requirements of this statute shall be sufficient grounds for the register of deeds to refuse to accept the plat for recordation.

(l) The provisions of this section shall not apply to the registration of highway right-of-way plans provided for in G.S. 136-19.4 nor to registration of roadway corridor official maps provided in Article 2E of Chapter 136.

(m) Any map prepared by a registered land surveyor and submitted for inclusion on the public record, whether submitted alone or attached to a deed or other instrument, shall conform to the standards of practice for land surveying in North Carolina, as defined in the Board rules of the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. In the interest of the public welfare, and to assure that maps have not been altered prior to submission for recording, and in accordance with G.S. 89C-26, the maps shall have an original personal signature and original seal as approved by the North Carolina State Board for Registration for Professional Engineers and Land Surveyors. Nothing in this subsection shall prohibit the recordation of a document that includes an attachment not prepared by a registered land surveyor."

Sec. 4. Section 3 of this act becomes effective October 1, 1991. The remainder of this act is effective upon ratification and applies to any action filed on or after that date.

In the General Assembly read three times and ratified this the 12th day of June, 1991.

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James C. Gardner  
President of the Senate

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Daniel Blue, Jr.  
Speaker of the House of Representatives