

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1549*

Short Title: Improve Registered Documents.

(Public)

Sponsors: Representatives Tolson; Wainwright and Barefoot.

Referred to: Judiciary III, if favorable, Finance.

May 16, 2000

A BILL TO BE ENTITLED

AN ACT TO IMPROVE THE QUALITY OF DOCUMENTS RECORDED IN THE
OFFICE OF THE REGISTER OF DEEDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 147-54.3(b) reads as rewritten:

"(b) The Secretary of State, in cooperation with the Secretary of Cultural Resources and in accordance with G.S. 121-5(c) and G.S. 132-8.1, shall establish minimum standards and provide advice and technical assistance to local governments in implementing and maintaining minimum standards with regard to all of the following aspects of land records management:

(1) Uniform indexing of land ~~records;~~ records.

(2) Uniform recording and indexing procedures for maps, plats and ~~econdominiums; and~~ condominiums.

(3) Security and reproduction of land records.

(4) Uniform recording standards for land records."

Section 2. G.S. 147-54.3(b1) reads as rewritten:

"(b1) The Department of Secretary of State, in cooperation with the North Carolina Association of Registers of Deeds, Inc., and the Real Property Section of the North Carolina Bar Association, shall adopt, pursuant to Chapter 150B of the General Statutes, rules specifying the minimum indexing and recording standards established pursuant to

1 subsection (b) of this section and procedures for complying with those minimum
2 standards in land records management. A copy of the standards adopted shall be posted
3 in the office of the register of deeds in each county of the State."

4 Section 3. G.S. 161-10(a) reads as rewritten:

5 "(a) Except as provided in G.S. 161-11.1 or 161-11.2, all fees collected under this
6 section shall be deposited into the county general fund. In the performance of his duties,
7 the register of deeds shall collect the following fees which shall be uniform throughout
8 the State:

- 9 (1) Instruments in General. – For registering or filing any instrument for
10 which no other provision is made by this section, whether written,
11 printed, or typewritten, the fee shall be six dollars (\$6.00) for the first
12 page, which page shall not exceed 8 1/2 inches by 14 inches, plus two
13 dollars (\$2.00), for each additional page or fraction thereof. A page
14 exceeding 8 1/2 inches by 14 inches shall be considered two pages.

15 When a document is presented for registration that consists of
16 multiple instruments, the fee shall be ten dollars (\$10.00) for each
17 additional instrument. A document consists of multiple instruments
18 when it contains two or more instruments with different legal
19 consequences or intent, each of which is separately executed and
20 acknowledged and could be recorded alone.

- 21 (1a) Deeds of Trust, Mortgages, and Cancellation of Deeds of Trust and
22 Mortgages. – For registering or filing any deed of trust or mortgage,
23 whether written, printed, or typewritten, the fee shall be ten dollars
24 (\$10.00) for the first page, which page shall not exceed 8 1/2 inches by
25 14 inches, plus two dollars (\$2.00) for each additional page or fraction
26 thereof. A page exceeding 8 1/2 inches by 14 inches shall be considered
27 two pages.

28 When a deed of trust or mortgage is presented for registration that
29 contains one or more additional instruments, the fee shall be ten dollars
30 (\$10.00) for each additional instrument. A deed of trust or mortgage
31 contains one or more additional instruments if such additional
32 instrument or instruments has or have different legal consequences or
33 intent, each of which is separately executed and acknowledged and
34 could be recorded alone.

35 For recording records of satisfaction, or the cancellation of record by
36 any other means, of deeds of trust or mortgages, there shall be no fee.

- 37 (2) Marriage Licenses. – For issuing a license forty dollars (\$40.00); for
38 issuing a delayed certificate with one certified copy five dollars (\$5.00);
39 and for a proceeding for correction of names in application, license or
40 certificate, with one certified copy five dollars (\$5.00).

- 41 (3) Plats. – For each original or revised plat recorded twenty-one dollars
42 (\$21.00) per sheet or page; for furnishing a certified copy of a plat three
43 dollars (\$3.00).

- 1 (4) Right-of-Way Plans. – For each original or amended plan and profile
2 sheet recorded five dollars (\$5.00). This fee is to be collected from the
3 Board of Transportation.
- 4 (5) Registration of Birth Certificate One Year or More after Birth. – For
5 preparation of necessary papers when birth to be registered in another
6 county five dollars (\$5.00); for registration when necessary papers
7 prepared in another county, with one certified copy five dollars (\$5.00);
8 for preparation of necessary papers and registration in the same county,
9 with one certified copy ten dollars (\$10.00).
- 10 (6) Amendment of Birth or Death Record. – For preparation of amendment
11 and affecting correction two dollars (\$2.00).
- 12 (7) Legitimations. – For preparation of all documents concerned with
13 legitimations seven dollars (\$7.00).
- 14 (8) Certified Copies of Birth and Death Certificates and Marriage Licenses.
15 – For furnishing a certified copy of a death or birth certificate or
16 marriage license three dollars (\$3.00). Provided however, a Register of
17 Deeds may issue without charge a certified Birth Certificate to any
18 person over the age of 62 years.
- 19 (9) Certified Copies. – For furnishing a certified copy of an instrument for
20 which no other provision is made by this section three dollars (\$3.00)
21 for the first page, plus one dollar (\$1.00) for each additional page or
22 fraction thereof.
- 23 (10) Comparing Copy for Certification. – For comparing and certifying a
24 copy of any instrument filed for registration, when the copy is furnished
25 by the party filing the instrument for registration and at the time of filing
26 thereof two dollars (\$2.00).
- 27 (11) Uncertified Copies. – When, as a convenience to the public, the register
28 of deeds supplies uncertified copies of instruments, or index pages, he
29 may charge fees that in his discretion bear a reasonable relation to the
30 quality of copies supplied and the cost of purchasing and maintaining
31 copying and/or computer equipment. These fees may be changed from
32 time to time, but the amount of these fees shall at all times be
33 prominently posted in his office.
- 34 (12) Notarial Acts. – For taking an acknowledgment, oath, or affirmation or
35 performing any other notarial act the maximum fee set in G.S. 10A-10.
36 This fee shall not be charged if the act is performed as a part of one of
37 the services for which a fee is provided by this subsection; except that
38 this fee shall be charged in addition to the fees for registering, filing, or
39 recording instruments or plats as provided by subdivisions (1) and (3) of
40 this subsection.
- 41 (13) Uniform Commercial Code. – Such fees as are provided for in Chapter
42 25, Article 9, Part 4, of the General Statutes.
- 43 (14) Torrens Registration. – Such fees as are provided in G.S. 43-5.

- 1 (15) Master Forms. – Such fees as are provided for instruments in general.
2 (16) Probate. – For certification of instruments for registration as provided in
3 G.S. 47-14 two dollars (\$2.00).
4 (17) Qualification of Notary Public. – For administering the oaths of office
5 to a notary public and making the appropriate record entries as provided
6 in G.S. 10A-8 five dollars (\$5.00).
7 (18) Reinstatement of Articles of Incorporation. – For filing reinstatements
8 of Articles of Incorporation prepared pursuant to G.S. 105-232; such
9 fees as provided for instruments in general. The fee shall be paid by the
10 corporation affected.
11 (19) Nonstandard Document. – For registering a land records document not
12 in compliance with the recording standards adopted pursuant to G.S.
13 147-54.3(b1) thirty dollars (\$30.00), in addition to all other applicable
14 recording fees."

15 Section 4. G.S. 161-14 reads as rewritten:

16 "**§ 161-14. Registration of instruments.**

17 (a) ~~The~~ After the register of deeds determines that all statutory requirements for
18 registration have been met, the register of deeds shall immediately register all written
19 instruments presented to him for registration. When an instrument is presented for
20 registration, the register of deeds shall endorse upon it the day and hour on which it was
21 presented. This endorsement forms a part of the registration of the instrument. All
22 instruments shall be registered in the precise order in which they were presented for
23 registration. Immediately after endorsing the day and hour of presentation upon an
24 instrument, the register of deeds shall index and cross-index it in its proper sequence. He
25 shall then proceed to register it on the day that it is presented unless a temporary index
26 has been established.

27 (b) The register of deeds may, in his discretion, establish a temporary index in
28 which all instruments presented for registration shall be indexed until they are registered
29 and entered in the permanent indexes. A temporary index shall operate in all respects as
30 the permanent index. All instruments presented for registration shall be registered and
31 indexed and cross-indexed on the permanent indexes not later than 30 days after the date
32 of presentation.

33 ~~(b) All instruments presented for registration shall be on paper and in ink of a~~
34 ~~color, quality, size, and condition that will permit the production of legible and~~
35 ~~permanent reproductions thereof by photographic or microphotographic processes. If an~~
36 ~~instrument presented for registration is in a condition that will not permit such~~
37 ~~reproduction, the register of deeds shall endorse thereon the following notation: "Record~~
38 ~~of poor quality due to condition of original document." He shall then register the~~
39 ~~instrument in the usual manner.~~

40 (c) Transportation corridor official maps authorized under Article 2E of Chapter
41 136 shall be registered and indexed by the end of the third business day after the business
42 day the map is presented to the Register of Deeds."

43 Section 5. This act is effective when it becomes law.