

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 1073**

Short Title: Register of Deeds-Fees/Instrument Standards.

(Public)

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Sponsors: Representative Culpepper.

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Referred to: Finance.

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April 10, 2001

A BILL TO BE ENTITLED

1  
2 AN ACT TO CREATE AN AUTOMATION ENHANCEMENT AND  
3 PRESERVATION FUND AND EXPAND THE UNIFORM FEES FOR SERVICES  
4 CHARGED BY REGISTERS OF DEEDS AND TO ENHANCE THE  
5 STANDARDS FOR INSTRUMENTS TO BE REGISTERED IN THE OFFICE OF  
6 THE REGISTER OF DEEDS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 161-10(a) reads as rewritten:

9 "(a) Except as provided in G.S. 161-11.1 or 161-11.2, all fees collected under this  
10 section shall be deposited into the county general fund. While performing the duties of  
11 the office, the register of deeds shall collect the following fees which shall be uniform  
12 throughout the State:

13 (1) Instruments in General. – For registering or filing any instrument for  
14 which no other provision is made by this section, whether written,  
15 printed, or typewritten, the fee shall be ~~six dollars (\$6.00)~~ fourteen  
16 dollars (\$14.00) for the first page, which page shall not exceed 8 1/2  
17 inches by ~~14 11~~ inches, plus ~~two dollars (\$2.00)~~, four dollars (\$4.00),  
18 for each additional page or fraction thereof. ~~A page exceeding 8 1/2~~  
19 ~~inches by 14 inches shall be considered two pages.~~

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

26 (1a) Deeds of Trust, Mortgages, and Cancellation of Deeds of Trust and  
27 Mortgages. – For registering or filing any deed of trust or mortgage,  
28 whether written, printed, or typewritten, the fee shall be ~~ten dollars~~

1           ~~(\$10.00)~~ fourteen dollars (\$14.00) for the first page, which page shall  
2 not exceed 8 1/2 inches by 14 11 inches, plus ~~two dollars (\$2.00)~~ four  
3 dollars (\$4.00) for each additional page or fraction thereof. ~~A page~~  
4 ~~exceeding 8 1/2 inches by 14 inches shall be considered two pages.~~

5           When a deed of trust or mortgage is presented for registration that  
6 contains one or more additional instruments, the fee shall be ten  
7 dollars (\$10.00) for each additional instrument. A deed of trust or  
8 mortgage contains one or more additional instruments if such  
9 additional instrument or instruments has or have different legal  
10 consequences or intent, each of which is separately executed and  
11 acknowledged and could be recorded alone.

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

- 15           (2) Marriage Licenses. – For issuing a license ~~forty dollars (\$40.00);~~ fifty  
16 dollars (\$50.00); for issuing a delayed certificate with one certified  
17 copy ~~five dollars (\$5.00);~~ twenty dollars (\$20.00); and for a  
18 proceeding for correction of ~~names in an~~ application, license or  
19 certificate, with one certified copy ~~five dollars (\$5.00).~~ ten dollars  
20 (\$10.00).
- 21           (3) Plats. – For each original or revised plat recorded twenty-one dollars  
22 (\$21.00) per sheet or page; for furnishing a certified copy of a plat  
23 ~~three dollars (\$3.00).~~ five dollars (\$5.00).
- 24           (4) Right-of-Way Plans. – For each original or amended plan and profile  
25 sheet recorded ~~five dollars (\$5.00).~~ twenty-one dollars (\$21.00), and  
26 five dollars (\$5.00) per page for each additional page. This fee is to be  
27 collected from the Board of Transportation.
- 28           (5) Registration of Birth Certificate One Year or More after Birth. – For  
29 preparation of necessary papers when birth to be registered in another  
30 county ~~five dollars (\$5.00);~~ ten dollars (\$10.00); for registration when  
31 necessary papers prepared in another county, with one certified copy  
32 ~~five dollars (\$5.00);~~ ten dollars (\$10.00); for preparation of necessary  
33 papers and registration in the same county, with one certified copy ~~ten~~  
34 ~~dollars (\$10.00).~~ twenty dollars (\$20.00).
- 35           (6) Amendment of Birth or Death Record. – For preparation of  
36 amendment and affecting correction ~~two dollars (\$2.00).~~ ten dollars  
37 (\$10.00).
- 38           (7) Legitimations. – For preparation of all documents concerned with  
39 legitimations ~~seven dollars (\$7.00).~~ ten dollars (\$10.00).
- 40           (8) Certified Copies of Birth and Death Certificates and Marriage  
41 Licenses. – For furnishing a certified copy of a death or birth  
42 certificate or marriage license ~~three dollars (\$3.00).~~ ten dollars  
43 (\$10.00). Provided however, a Register of Deeds may issue without

- 1 charge a certified Birth Certificate to any person over the age of 62  
2 years.
- 3 (8a) Vital Records Network. – For obtaining access to the Vital Records  
4 Computer Network, two dollars (\$2.00).
- 5 (9) Certified Copies. – For furnishing a certified copy of an instrument for  
6 which no other provision is made by this section ~~three dollars (\$3.00)~~  
7 five dollars (\$5.00) for the first page, plus ~~one dollar (\$1.00)~~ two  
8 dollars (\$2.00) for each additional page or fraction thereof.
- 9 (10) Comparing Copy for Certification. – For comparing and certifying a  
10 copy of any instrument filed for registration, when the copy is  
11 furnished by the party filing the instrument for registration and at the  
12 time of filing thereof ~~two dollars (\$2.00)~~ five dollars (\$5.00).
- 13 (11) Uncertified Copies. – When, as a convenience to the public, the  
14 register of deeds supplies uncertified copies of instruments, or index  
15 pages, he may charge fees that in his discretion bear a reasonable  
16 relation to the quality of copies supplied and the cost of purchasing  
17 and maintaining copying and/or computer equipment. These fees may  
18 be changed from time to time, but the amount of these fees shall at all  
19 times be prominently posted in his office.
- 20 (12) Notarial Acts. – For taking an acknowledgment, oath, or affirmation or  
21 performing any other notarial act the maximum fee set in G.S. 10A-10.  
22 This fee shall not be charged if the act is performed as a part of one of  
23 the services for which a fee is provided by this subsection; except that  
24 this fee shall be charged in addition to the fees for registering, filing, or  
25 recording instruments or plats as provided by subdivisions (1) and (3)  
26 of this subsection.
- 27 (13) Uniform Commercial Code. – Such fees as are provided for in Chapter  
28 25, Article 9, Part 4, of the General Statutes.
- 29 (13) Uniform Commercial Code. – Such fees as are provided for in Chapter  
30 25, Article 9, Part 5, of the General Statutes.
- 31 (14) Torrens Registration. – Such fees as are provided in G.S. 43-5.
- 32 (15) Master Forms. – Such fees as are provided for instruments in general.
- 33 (16) Probate. – For certification of instruments for registration as provided  
34 in G.S. 47-14 two dollars (\$2.00).
- 35 (17) Qualification of Notary Public. – For administering the oaths of office  
36 to a notary public and making the appropriate record entries as  
37 provided in G.S. 10A-8 ~~five dollars (\$5.00)~~ ten dollars (\$10.00).
- 38 (18) Reinstatement of Articles of Incorporation. – For filing reinstatements  
39 of Articles of Incorporation prepared pursuant to G.S. 105-232; such  
40 fees as provided for instruments in general. The fee shall be paid by  
41 the corporation affected.
- 42 (19) Miscellaneous Services. – For performing miscellaneous services such  
43 as faxing documents, providing laminated copies of documents,

1 expedited delivery of documents, and similar services, the cost of the  
2 service."

3 **SECTION 2.** Chapter 161 of the General Statutes is amended by adding a  
4 new section to read:

5 **"§ 161-11.3. Automation Enhancement and Preservation Fund.**

6 Five percent (5%) of the fees collected pursuant to G.S. 161-10 and retained by the  
7 county shall be set aside annually and placed in a nonreverting Automation  
8 Enhancement and Preservation Fund, the proceeds of which shall be expended on  
9 computer and imaging technology in the office of the register of deeds and other county  
10 land record offices. Nothing in this section shall be construed to affect the duty of the  
11 board of county commissioners to furnish supplies and equipment to the office of the  
12 register of deeds."

13 **SECTION 3.** G.S. 65-13(c) reads as rewritten:

14 "(c) The party removing or causing the removal of all such graves shall, within 30  
15 days after completion of the removal and reinterment, file with the register of deeds of  
16 the county from which the graves were removed and with the register of deeds of the  
17 county in which reinterment is made, a written certificate of the removal facts. Such  
18 certificate shall contain the full name, if known or reasonably ascertainable, of each  
19 decedent whose grave is moved, a precise description of the site from which such grave  
20 was removed, a precise description of the site and specific location where the decedent's  
21 remains have been reinterred, the full and correct name of the party effecting the  
22 removal, and a brief description of the statutory basis or bases upon which such removal  
23 or reinterment was effected. If the full name of any decedent cannot reasonably be  
24 ascertained, the removing party shall set forth all additional reasonably ascertainable  
25 facts about the decedent including birth date, death date, and family name.

26 ~~A fee of one dollar (\$1.00) for each page or portion of page of such~~ The fee for  
27 recording instruments in general, as provided in G.S. 161-10(a)(1), for registering a  
28 certificate of removal facts shall be paid to the register of deeds of each county in which  
29 such certificate is filed for registration."

30 **SECTION 4.** G.S. 47-21 reads as rewritten:

31 **"§ 47-21. Blank or master forms of mortgages, etc.; embodiment by reference in**  
32 **instruments later filed.**

33 It shall be lawful for any person, firm or corporation to have a blank or master form  
34 of mortgage, deed of trust, or other instrument conveying an interest in, or creating a  
35 lien on, real and/or personal property, filed, indexed and recorded in the office of the  
36 register of deeds. When any such blank or master form is filed with the register of  
37 deeds, he shall record the same, and shall index the same in the manner now provided  
38 by law for the indexing of instruments recorded in his office, except that the name of the  
39 person, firm or corporation whose name appears on such blank or master form shall be  
40 inserted in the indices as grantor and also as grantee. ~~The fee for filing, recording and~~  
41 ~~indexing such blank or master form shall be five dollars (\$5.00).~~ that for recording  
42 instruments in general, as provided in G.S. 161-10(a)(1).

43 When any deed, mortgage, deed of trust, or other instrument conveying an interest  
44 in, or creating a lien on, real and/or personal property, refers to the provisions, terms,

1 covenants, conditions, obligations, or powers set forth in any such blank or master form  
2 recorded as herein authorized, and states the office of recordation of such blank or  
3 master form, book and page where same is recorded such reference shall be equivalent  
4 to setting forth in extenso in such deed, mortgage, deed of trust, or other instrument  
5 conveying an interest in, or creating a lien on, real and/or personal property, the  
6 provisions, terms, covenants, conditions, obligations and powers set forth in such blank  
7 or master form. Provided this section shall not apply to Alleghany, Ashe, Avery,  
8 Beaufort, Bladen, Camden, Carteret, Chowan, Cleveland, Columbus, Dare, Gates,  
9 Granville, Guilford, Halifax, Iredell, Jackson, Martin, Moore, Perquimans, Sampson,  
10 Stanly, Swain, Transylvania, Vance, Washington and Watauga Counties."

11 **SECTION 5.** G.S. 161-14 reads as rewritten:

12 "**§ 161-14. Registration of instruments.**

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

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

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

- 36 (1) Be eight and one-half inches by eleven inches.  
37 (2) Have a blank margin of three inches at the top of the first page and  
38 blank margins of one-half inches on the remaining sides of the first  
39 page and on all sides of subsequent pages.  
40 (3) Be typed or printed in black on white paper in a font size no smaller  
41 than 10 points.  
42 (4) Have text typed or printed on one side of a page only.  
43 (5) State the type of instrument at the top of the first page.

1       The register of deeds shall reject any instrument presented for registration that does  
2 not meet the recording standards set forth in this subsection. The rejection shall be  
3 accompanied by the register's written explanation of why the instrument did not meet  
4 the standards.

5       (c)     Transportation corridor official maps authorized under Article 2E of Chapter  
6 136 shall be registered and indexed by the end of the third business day after the  
7 business day the map is presented to the Register of Deeds."

8             **SECTION 6.** This act becomes effective January 1, 2002.