

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

3

SENATE BILL 912
Judiciary I Committee Substitute Adopted 4/23/01
House Committee Substitute Favorable 6/4/01

Short Title: Penalty for Filing Unauthorized Statutory Lien.

(Public)

Sponsors:

Referred to:

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE INDEXING, DOCKETING, OR RECORDING OF
UNAUTHORIZED CLAIMS OF LIEN AND TO PROVIDE FOR PENALTIES
FOR FILING UNAUTHORIZED STATUTORY LIENS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2 of Chapter 44A of the General Statutes is amended
by adding a new section to read:

"§ 44A-12.1. No docketing of lien unless authorized by statute.

(a) The clerk of superior court or the register of deeds shall not index, docket, or record a claim of lien or other document purporting to claim or assert a lien on real property in such a way as to affect the title to any real property unless the document:

(1) Is offered for filing under this Article or another statute that provides for indexing and docketing of claims of lien on real property; and

(2) Appears on its face to contain all of the information required by the statute under which it is offered for filing.

(b) The clerk may accept, for filing only, any document that does not meet the criteria established for indexing, docketing, or recording under subsection (a) of this section. If the clerk does accept this document, the clerk shall inform the person offering the document that it will not be indexed, docketed, or recorded in any way as to affect the title to any real property.

(c) Any person who causes or attempts to cause a claim of lien or other document to be filed, knowing that the filing is not authorized by statute, or with the intent that the filing is made for an improper purpose such as to hinder, harass, or otherwise wrongfully interfere with any person, shall be guilty of a Class 1 misdemeanor."

SECTION 2. This act becomes effective December 1, 2001, and applies to offenses committed on or after that date.