

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 534

Short Title: Deed Grantor's Source of Title.

(Public)

Sponsors: Senator Ezzell.

Referred to: Judiciary I.

March 20, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A DEED SHALL CONTAIN A RECITATION OF THE GRANTOR'S SOURCE OF TITLE AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 39 of the General Statutes is hereby amended by adding a new Article thereto to read as follows:

ARTICLE 9.

SOURCE OF TITLE.

§ 39-52. Deeds; identification of grantor's source of title required.

(a) All deeds, other than quitclaim deeds, conveying any interest in real property shall identify the grantor's immediately preceding source of title whether the preceding source of title is recorded or unrecorded.

(b) An identification of the grantor's source of title by a statement in substantially the following form meets the requirements of subsection (a):

(1) 'This is the same property [or a part of the same property] conveyed to the grantor by [insert name of preceding grantor] by deed recorded in Deed Book \_\_\_\_\_, Page \_\_\_\_\_, in the Office of the Register of Deeds of \_\_\_\_\_ County;' or,

(2) 'This is the same property [or a part of the same property] received by the grantor by reason of the death of \_\_\_\_\_, who died a resident of the County of \_\_\_\_\_, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.'

1       (c) This section applies to deeds of trusts but does not apply to mortgages, or  
2 other instruments evidencing a security interest in real property.

3       (d) Neither failure to comply with the provisions of this section nor failure to  
4 provide accurate information in response to the requirements of this section shall  
5 invalidate a deed or deed of trust which is otherwise valid under the laws of this State,  
6 nor shall a register of deeds refuse to accept any such deed for registration because of a  
7 failure to comply with the provisions of this section.

8       (e) The only purpose of the statement provided for by this section is to facilitate  
9 the examination of real property records. The statement shall not create any warranty.  
10 This section shall have no effect on marketability of title."

11               Sec. 2. This act shall become effective January 1, 1990, and shall apply to  
12 deeds executed on or after that date.