

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 396  
Committee Substitute Favorable 4/28/93

Short Title: Local Indexing Rules.

(Public)

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Sponsors:

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Referred to:

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March 8, 1993

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY OF REGISTERS OF DEEDS TO ADOPT  
LOCAL INDEXING RULES AND TO DELAY THE EFFECTIVE DATE OF THE  
LAW REQUIRING REGISTERS OF DEEDS TO COMPLY WITH MINIMUM  
INDEXING STANDARDS FOR LAND RECORDS MANAGEMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 161-22(a) reads as rewritten:

"(a) The register of deeds shall provide and keep in her or his office full and complete alphabetical indexes of the names of the parties to all liens, grants, deeds, mortgages, bonds, and other instruments required or authorized to be ~~registered, and~~ registered. Subject to any indexing rules adopted pursuant to subsection (g) of this section, such indexes shall state in full the names of all parties, whether grantors, grantees, vendors, vendees, obligors, or obligees. Reference shall be made, opposite each name, to the book and page or other location where the instrument is registered. All instruments shall be indexed on either the temporary or permanent index within 24 hours of registration. The register of deeds shall not be required to index an instrument that is part of a document containing multiple instruments, as defined in G.S. 161-10(a)(1), unless the title of that instrument is shown on the first page of the document and the additional registration fee is paid as required by G.S. 161-10(a)(1)."

Sec. 2. G.S. 161-22(g) reads as rewritten:

"(g) The register of deeds may adopt rules establishing indexing procedures and the format of the indexes. ~~Such~~ The rules shall be in conformity with the requirements of this section and of other applicable ~~statutes and~~ statutes. The rules may address such

1 subjects, by way of example and not limitation, as the ~~indexing of business firms, the~~  
2 ~~indexing of names containing numerals, and the indexing of government agencies.~~  
3 ~~abbreviations of names, the treatment of symbols, the deletion of spaces, the treatment~~  
4 ~~of such punctuation in the names of parties as commas, periods, hyphens, and dashes,~~  
5 ~~the indexing of names that contain numerals, and the placement of the word 'The' when~~  
6 ~~it is the first word in the name of a party. Such~~ The rules shall be posted in at least two  
7 prominent places in the register of deeds' office and shall also be placed near the index  
8 books or in user manuals in offices using automated indexing systems. From and after  
9 the effective date of such rules, a registered instrument shall be deemed properly  
10 registered only when it has been indexed according to the rules."

11 Sec. 3. Section 3 of Chapter 697 of the 1991 Session Laws reads as rewritten:

12 "Sec. 3. Section 2 of this act becomes effective ~~July 1, 1993.~~ January 1, 1995. The  
13 remainder of this act is effective upon ratification."

14 Sec. 4. Effective January 1, 1995, G.S. 161-22(a), as amended by Section 1 of  
15 this act, reads as rewritten:

16 "(a) The register of deeds shall provide and keep in her or his office full and  
17 complete alphabetical indexes of the names of the parties to all liens, grants, deeds,  
18 mortgages, bonds, and other instruments required or authorized to be ~~registered.~~ ~~Subject~~  
19 ~~to any indexing rules adopted pursuant to subsection (g) of this section, registered, and such~~  
20 indexes shall state in full the names of all parties, whether grantors, grantees, vendors,  
21 vendees, obligors, or obligees. The full names of parties shall be entered in the indexes  
22 in accordance with the minimum indexing standards adopted pursuant to G.S. 147-  
23 54.3(b) and (b1). Reference shall be made, opposite each name, to the book and page or  
24 other location where the instrument is registered. All instruments shall be indexed on  
25 either the temporary or permanent index within 24 hours of registration. The register of  
26 deeds shall not be required to index an instrument that is part of a document containing  
27 multiple instruments, as defined in G.S. 161-10(a)(1), unless the title of that instrument  
28 is shown on the first page of the document and the additional registration fee is paid as  
29 required by G.S. 161-10(a)(1)."

30 Sec. 5. Effective January 1, 1995, G.S. 161-22(g), as amended by Section 2 of  
31 this act, reads as rewritten:

32 "(g) The register of deeds may adopt rules establishing indexing procedures and  
33 the format of the indexes. The rules shall be in conformity with the requirements of this  
34 section and of other applicable statutes. The rules may address such subjects, by way of  
35 example and not limitation, as the ~~abbreviations of names, the treatment of symbols, the~~  
36 ~~deletion of spaces, the treatment of such punctuation in the names of parties as commas,~~  
37 ~~periods, hyphens, and dashes, the indexing of names that contain numerals, and the placement~~  
38 ~~of the word "The" when it is the first word in the name of a party.~~ indexing of business firms,  
39 the indexing of names containing numerals, and the indexing of government agencies.  
40 The rules shall be posted in at least two prominent places in the register of deeds' office  
41 and shall also be placed near the index books or in user manuals in offices using  
42 automated indexing systems. From and after the effective date of such rules, a registered  
43 instrument shall be deemed properly registered only when it has been indexed according  
44 to the rules."

1           Sec. 6. Index entries made pursuant to G.S. 161-22 prior to the effective date  
2 of Sections 1 and 2 of this act that omitted symbols, spaces, commas, hyphens, periods,  
3 dashes, or similar punctuation, or that omitted the word "The" when it was the first  
4 word in the name of the party, or that placed the word "The" at the end of the index  
5 entry rather than at the beginning when it was the first word in the name of a party, are  
6 hereby declared sufficient and valid.

7           Sec. 7. Sections 1, 2, 3, and 6 of this act are effective upon ratification.  
8 Sections 4 and 5 of this act become effective January 1, 1995.