

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 178
HOUSE BILL 396

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

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

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

Sec. 4. Effective January 1, 1995, G.S. 161-22(a), as amended by Section 1 of this act, 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. ~~Subject to any indexing rules adopted pursuant to subsection (g) of this section, registered, and~~ such indexes shall state in full the names of all parties, whether grantors, grantees, vendors, vendees, obligors, or obligees. The full names of parties shall be entered in the indexes in accordance with the minimum indexing standards adopted pursuant to G.S. 147-54.3(b) and (b1). 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. 5. Effective January 1, 1995, G.S. 161-22(g), as amended by Section 2 of this act, reads as rewritten:

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

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

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

In the General Assembly read three times and ratified this the 17th day of June, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives