

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 873

Short Title: Improve Registered Documents.

(Public)

Sponsors: Senators Dalton; Albertson, Hagan, Kerr, Lee, Miller, Phillips, Reeves, Soles, and Wellons.

Referred to: Judiciary I.

April 13, 1999

A BILL TO BE ENTITLED

AN ACT TO IMPROVE THE QUALITY OF DOCUMENTS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 147-54.3(b) reads as rewritten:

"(b) The Secretary of State, in cooperation with the Secretary of Cultural Resources and in accordance with G.S. 121-5(c) and G.S. 132-8.1, shall establish minimum standards and provide advice and technical assistance to local governments in implementing and maintaining minimum standards with regard to all of the following aspects of land records management:

(1) Uniform indexing of land ~~records;~~ records.

(2) Uniform recording and indexing procedures for maps, plats and ~~condominiums; and~~ condominiums.

(3) Security and reproduction of land records.

(4) Uniform recording standards for land records."

Section 2. G.S. 147-54.3(b1) reads as rewritten:

"(b1) The Department of Secretary of State, in cooperation with the North Carolina Association of Registers of Deeds, Inc., and the Real Property Section of the North Carolina Bar Association, shall adopt, pursuant to Chapter 150B of the General Statutes,

1 rules specifying the minimum indexing and recording standards established pursuant to
2 subsection (b) of this section and procedures for complying with those minimum
3 standards in land records management. A copy of the standards adopted shall be posted
4 in the office of the register of deeds in each county of the State."

5 Section 3. G.S. 161-10(a) reads as rewritten:

6 "(a) Except as provided in G.S. 161-11.1 or 161-11.2, all fees collected under this
7 section shall be deposited into the county general fund. In the performance of his duties,
8 the register of deeds shall collect the following fees which shall be uniform throughout
9 the State:

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

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

- 22 (1a) Deeds of Trust, Mortgages, and Cancellation of Deeds of Trust and
23 Mortgages. – For registering or filing any deed of trust or mortgage,
24 whether written, printed, or typewritten, the fee shall be ten dollars
25 (\$10.00) for the first page, which page shall not exceed 8 1/2 inches by
26 14 inches, plus two dollars (\$2.00) for each additional page or fraction
27 thereof. A page exceeding 8 1/2 inches by 14 inches shall be considered
28 two pages.

29 When a deed of trust or mortgage is presented for registration that
30 contains one or more additional instruments, the fee shall be ten dollars
31 (\$10.00) for each additional instrument. A deed of trust or mortgage
32 contains one or more additional instruments if such additional
33 instrument or instruments has or have different legal consequences or
34 intent, each of which is separately executed and acknowledged and
35 could be recorded alone.

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

- 38 (2) Marriage Licenses. – For issuing a license forty dollars (\$40.00); for
39 issuing a delayed certificate with one certified copy five dollars (\$5.00);
40 and for a proceeding for correction of names in application, license or
41 certificate, with one certified copy five dollars (\$5.00).

- 1 (3) Plats. – For each original or revised plat recorded twenty-one dollars
2 (\$21.00) per sheet or page; for furnishing a certified copy of a plat three
3 dollars (\$3.00).
- 4 (4) Right-of-Way Plans. – For each original or amended plan and profile
5 sheet recorded five dollars (\$5.00). This fee is to be collected from the
6 Board of Transportation.
- 7 (5) Registration of Birth Certificate One Year or More after Birth. – For
8 preparation of necessary papers when birth to be registered in another
9 county five dollars (\$5.00); for registration when necessary papers
10 prepared in another county, with one certified copy five dollars (\$5.00);
11 for preparation of necessary papers and registration in the same county,
12 with one certified copy ten dollars (\$10.00).
- 13 (6) Amendment of Birth or Death Record. – For preparation of amendment
14 and affecting correction two dollars (\$2.00).
- 15 (7) Legitimations. – For preparation of all documents concerned with
16 legitimations seven dollars (\$7.00).
- 17 (8) Certified Copies of Birth and Death Certificates and Marriage Licenses.
18 – For furnishing a certified copy of a death or birth certificate or
19 marriage license three dollars (\$3.00). Provided however, a Register of
20 Deeds may issue without charge a certified Birth Certificate to any
21 person over the age of 62 years.
- 22 (9) Certified Copies. – For furnishing a certified copy of an instrument for
23 which no other provision is made by this section three dollars (\$3.00)
24 for the first page, plus one dollar (\$1.00) for each additional page or
25 fraction thereof.
- 26 (10) Comparing Copy for Certification. – For comparing and certifying a
27 copy of any instrument filed for registration, when the copy is furnished
28 by the party filing the instrument for registration and at the time of filing
29 thereof two dollars (\$2.00).
- 30 (11) Uncertified Copies. – When, as a convenience to the public, the register
31 of deeds supplies uncertified copies of instruments, or index pages, he
32 may charge fees that in his discretion bear a reasonable relation to the
33 quality of copies supplied and the cost of purchasing and maintaining
34 copying and/or computer equipment. These fees may be changed from
35 time to time, but the amount of these fees shall at all times be
36 prominently posted in his office.
- 37 (12) Notarial Acts. – For taking an acknowledgment, oath, or affirmation or
38 performing any other notarial act the maximum fee set in G.S. 10A-10.
39 This fee shall not be charged if the act is performed as a part of one of
40 the services for which a fee is provided by this subsection; except that
41 this fee shall be charged in addition to the fees for registering, filing, or
42 recording instruments or plats as provided by subdivisions (1) and (3) of
43 this subsection.

- 1 (13) Uniform Commercial Code. – Such fees as are provided for in Chapter
2 25, Article 9, Part 4, of the General Statutes.
- 3 (14) Torrens Registration. – Such fees as are provided in G.S. 43-5.
- 4 (15) Master Forms. – Such fees as are provided for instruments in general.
- 5 (16) Probate. – For certification of instruments for registration as provided in
6 G.S. 47-14 two dollars (\$2.00).
- 7 (17) Qualification of Notary Public. – For administering the oaths of office
8 to a notary public and making the appropriate record entries as provided
9 in G.S. 10A-8 five dollars (\$5.00).
- 10 (18) Reinstatement of Articles of Incorporation. – For filing reinstatements
11 of Articles of Incorporation prepared pursuant to G.S. 105-232; such
12 fees as provided for instruments in general. The fee shall be paid by the
13 corporation affected.
- 14 (19) Nonstandard Document. – For registering a land records document not
15 in compliance with the recording standards adopted pursuant to G.S.
16 147-54.3(b1) thirty dollars (\$30.00), in addition to all other applicable
17 recording fees."