

# Property, Trusts, and Estates

See full summary documents for additional detail

## **H619 - Weston's Law. (SL 2022-56)**

S.L. 2022-56 imposes new safety requirements for elevators in private residences, cottages, and similar accommodations that are rented for 15 days or more in any calendar year, and directs the Building Code Council to adopt amendments to the North Carolina Building Code consistent with these requirements.

The elevator safety requirements become effective October 1, 2022. The Building Code Council directive became effective June 30, 2022.

## **H674 - Require DNA Various Convict'ns/Other Matters. (SL 2022-50)**

S.L. 2022-50 does the following:

- Adds additional offenses to the list of offenses requiring submission of a DNA sample after a conviction or a finding of not guilty by reason of insanity. This section becomes effective December 1, 2022, and applies to convictions or findings of not guilty by reason of insanity on or after that date.
- Clarifies that medical facilities and medical professionals cannot bill sexual assault victims for forensic medical examinations and updates certain definitions. This section becomes effective October 1, 2022, and applies to forensic medical examinations completed on or after that date.
- Authorizes a county board of commissioners to designate the county finance officer or the county manager to refund the deed stamp tax.
- Requires that the register of deeds maintains a separately kept backup storage system, that is restorable from any point, for the purposes of disaster recovery, for the index of registered instruments that the register of deeds is required to maintain.

Except as otherwise provided, this act became effective July 7, 2022.

## **H674 - Require DNA Various Convictions/Other Matters.**

### **Sec. 2.1: Deed Stamp Tax Refunds. (SL 2022-50)**

Section 2.1 of S.L. 2022-50 authorizes a county board of commissioners to designate the county finance officer or the county manager to refund the deed stamp tax.

Section 2.1 of S.L. 2022-50 became effective July 7, 2022.

## **H776 - Remote Electronic Notarization. (SL 2022-54)**

S.L. 2022-54 does the following:

- Allows, effective July 1, 2023, authorized North Carolina notaries to remotely perform electronic notarial acts using real time online communication technology. At the time of the remote electronic notarial act, the notary to the transaction would be required to be physically located in North Carolina and the principal anywhere inside the United States or, in certain circumstances, outside the United States.
- Reauthorizes, effective July 8, 2022, temporary use of the emergency video authorization to perform remote notarizations until June 30, 2023.

## **H911 - Regulatory Reform Act of 2022.**

### **Sec. 17: Amend North Carolina Timeshare Act Transfer Provisions. (SL 2022-75)**

Section 17 of S.L. 2022-75 narrows the definition of "timeshare transfer services" to exclude services "offered" in the State or "offered or provided anywhere in connection with a timeshare program containing timeshare units or a timeshare property located in this State." This section also removes language that could be interpreted to subject out-of-state companies acting out-of-state to personal jurisdiction in a North Carolina court. It narrows this to any business providing such services "in this State."

This section became effective July 12, 2022.

## **H1018 - GSC Bar Association Proposals/Landmark Designation. (SL 2022-64)**

S.L. 2022-64 makes various changes affecting real property; strengthens the personal liability protection for limited liability partnerships; aligns the authority to transfer venue for judicial review of contested cases with other cases; makes conforming changes to account for special fiduciaries in guardianship proceedings; and clarifies and improves the landmark designation procedure, as recommended by the General Statutes Commission.

Except as otherwise provided, the act became effective July 8, 2022.

## **S278 - Property/Family Law-Reimburse Property Expenditures. (SL 2022-12)**

S.L. 2022-12 does the following:

- Clarifies the right of one spouse to reimbursement from the other spouse for expenditures made with respect to property during the time that the property is held as tenants by the entirety. (Section 1)
- Requires certain information to be included in a condominium declaration before it is recorded. (Section 2)
- Clarifies the applicability of certain provisions of the Condominium Act to condominiums created on or before October 1, 1986. (Section 3)
- Exempts provisions contained in a declaration of covenants applicable to condominiums, cooperatives, and most planned communities from being extinguished by operation of the Marketable Title Act. (Section 4)

The Marketable Title Act changes became effective July 1, 2022. The remainder of the act became effective June 29, 2022, and the content requirement for condominium declarations applies to declarations recorded on or after that date.

**S762 - North Carolina Farm Act of 2022.**

**Sec. 4: Preserve Conservation Easements After Property Tax Foreclosures. (SL 2022-55)**

Section 4 of S.L. 2022-55 provides that conservation agreements survive real property tax foreclosure sales.

This section became effective July 8, 2022.

**S769 - GSC Postponement/Judicial & Execution Sales. (SL 2022-60)**

S.L. 2022-60 allows judicial sales and execution sales to be postponed up to 90 days, aligning the postponement authority for judicial and execution sales with that of sales under a contractual power of sale clause. This act also makes numerous conforming, clarifying, and technical changes to each statute amended.

This act becomes effective October 1, 2022, and applies to sales noticed on or after that date.