

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 881  
HOUSE BILL 1584

AN ACT TO AUTHORIZE CHOWAN COUNTY TO LEVY AN EXCISE TAX ON  
INSTRUMENTS CONVEYING REAL PROPERTY IN CHOWAN COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Tax. (a) Authorization. The Chowan County Board of Commissioners may, by resolution, levy an excise tax on instruments conveying certain interests in real property in Chowan County, including instruments that convey an interest in a mobile home that, at the time of the conveyance, is taxed as real property. The tax imposed may not exceed one dollar (\$1.00) on each one hundred dollars (\$100.00) or fraction thereof of the consideration or value of the interest conveyed, including the value of any lien or encumbrance remaining on the property at the time of sale. This tax is in addition to the tax levied by Article 8E of Chapter 105 of the General Statutes.

(b) Scope. A tax levied under this act applies to all instruments conveying an interest in real property in Chowan County except an instrument:

- (1) Conveying an interest in real property from the United States, the State, or a political subdivision of the State;
- (2) Securing indebtedness; or
- (3) Recording a transfer in which no consideration was paid or is due the transferor by the transferee.

In addition, this tax does not apply to conveyances of an interest in real property by operation of law, by will, by intestacy, by merger, or by consolidation.

(c) Collection. A tax levied under this act shall be administered by the Chowan County Tax Collector. The tax must be paid at the tax collector's office or at the register of deeds' office before the instrument conveying the instrument is recorded. The tax collector shall stamp or otherwise mark each instrument for which he collects the tax to indicate that the tax has been paid. The Chowan County Register of Deeds may not accept for recordation an instrument subject to a tax levied under this act unless the instrument bears the tax collector's mark indicating that the tax has been paid or the tax is paid to the register of deeds when the instrument is offered for recordation.

(d) Use and Distribution of Tax Revenue. For the first five fiscal years in which a tax levied under this act is in effect, all proceeds of the tax shall be retained by the county and shall be placed in a special Capital Reserve Fund in the general fund of the county. Revenue in this Fund may be used by the county only for capital expenditures.

Beginning with the sixth fiscal year in which a tax levied under this act is in effect, the county shall, on a quarterly basis, distribute one-half (1/2) of the proceeds of

the tax collected on instruments conveying interests in real property located in the corporate limits of the Town of Edenton to the Town. Revenue distributed to the Town of Edenton may be used only for capital expenditures. The remaining proceeds shall be retained by the county and placed in the special Capital Reserve Fund established under this subsection, to be used only for capital expenditures.

(e) Penalties. A person who knowingly fails to pay a tax levied under this act, who knowingly aids another to fail to pay a tax levied under this act, or who, to avoid paying part or all of the tax due under this act, knowingly misstates the total consideration for an interest conveyed is guilty of a misdemeanor and is punishable by imprisonment for up to two years and a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000).

(f) Taxes recoverable by action. If a transferor fails to pay a tax imposed by this act within 30 days of the tax collector's demand that he pay the tax, the tax may be recovered by Chowan County in an action brought in the district court of the county. In an action to recover a tax imposed under this act, costs of court shall include a fee to the county of twenty- five dollars (\$25.00) for the expense of collection. The court may award attorney's fees to the county.

(g) Effective date; application. A tax levied under this act shall become effective on the first day of a month, as designated in the resolution levying the tax, and may not become effective for at least 30 days after the adoption of the resolution. A tax levied under this act applies to instruments that are recorded on or after the effective date of the levy, except instruments recorded on or after that date that convey an interest in real property pursuant to a written contract made before the effective date.

(h) Repeal. A tax levied under this act may be repealed by a resolution adopted by the Chowan County Board of Commissioners. Repeal of a tax levied under this act shall become effective on the first day of a month, as designated in the resolution repealing the tax, and shall apply to instruments recorded on or after the effective date of the repeal. Repeal of a tax levied under this act does not affect a liability for the repealed tax that attached before the effective date of the repeal.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1986.