

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1177

Short Title: Raise Register of Deeds Fees.

(Public)

Sponsors: Representative Redwine.

Referred to: Finance.

May 8, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCREASE VARIOUS FEES CHARGED BY REGISTERS OF DEEDS  
3 AND TO AUTHORIZE THE IMPOSITION OF FEES RELATED TO UNIFORM  
4 COMMERCIAL CODE FIXTURE FILINGS AND TERMINATION  
5 STATEMENTS.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 161-10(a) reads as rewritten:

8 "§ 161-10. Uniform fees of registers of deeds.

9 (a) Except as provided in G.S. 130-40 or G.S. 161-11.1, all fees collected under  
10 this section shall be deposited into the county general fund. In the performance of his  
11 duties, the register of deeds shall collect the following fees which shall be uniform  
12 throughout the State:

13 (1) Instruments in General. – For registering or filing any instrument for  
14 which no other provision is made by this section, whether written,  
15 printed, or typewritten, the fee shall be ~~five dollars (\$5.00)~~ six dollars  
16 (\$6.00) for the first page, which page shall not exceed 8 1/2 inches by  
17 14 inches, plus ~~two dollars (\$2.00)~~ three dollars (\$3.00) for each  
18 additional page or fraction thereof. A page exceeding 8 1/2 inches by  
19 14 inches shall be considered two pages.

20 When a document is presented for registration that consists of  
21 multiple instruments, the fee shall be ten dollars (\$10.00) for each  
22 additional instrument. A document consists of multiple instruments  
23 when it contains two or more instruments with different legal

1 consequences or intent, each of which is separately executed and  
2 acknowledged and could be recorded alone.

- 3 (2) Marriage Licenses. – For issuing a license ~~—twenty dollars~~  
4 ~~(\$20.00);~~ twenty-five dollars (\$25.00); for issuing a delayed  
5 certificate with one certified copy – five dollars (\$5.00); and for a  
6 proceeding for correction of names in application, license or  
7 certificate, with one certified copy – five dollars (\$5.00).
- 8 (3) Plats. – For each original or revised plat recorded ~~—nineteen dollars~~  
9 ~~(\$19.00);~~ twenty-three dollars (\$23.00); for furnishing a certified copy  
10 of a plat ~~—three dollars (\$3.00).~~ five dollars (\$5.00).
- 11 (4) Right-of-Way Plans. – For each original or amended plan and profile  
12 sheet recorded – five dollars (\$5.00). This fee is to be collected from  
13 the Board of Transportation.
- 14 (5) Registration of Birth Certificate One Year or More after Birth. – For  
15 preparation of necessary papers when birth to be registered in another  
16 county – five dollars (\$5.00); for registration when necessary papers  
17 prepared in another county, with one certified copy – five dollars  
18 (\$5.00); for preparation of necessary papers and registration in the  
19 same county, with one certified copy – ten dollars (\$10.00).
- 20 (6) Amendment of Birth or Death Record. – For preparation of  
21 amendment and affecting correction – two dollars (\$2.00).
- 22 (7) Legitimations. – For preparation of all documents concerned with  
23 legitimations – seven dollars (\$7.00).
- 24 (8) Certified Copies of Birth and Death Certificates and Marriage  
25 Licenses. – For furnishing a certified copy of a death or birth  
26 certificate or marriage license ~~—three dollars (\$3.00).~~ five dollars  
27 (\$5.00). Provided however, a Register of Deeds may issue without  
28 charge a certified Birth Certificate to any person over the age of 62  
29 years.
- 30 (9) Certified Copies. – For furnishing a certified copy of an instrument for  
31 which no other provision is made by this section – three dollars (\$3.00)  
32 for the first page, plus one dollar (\$1.00) for each additional page or  
33 fraction thereof.
- 34 (10) Comparing Copy for Certification. – For comparing and certifying a  
35 copy of any instrument filed for registration, when the copy is  
36 furnished by the party filing the instrument for registration and at the  
37 time of filing thereof – two dollars (\$2.00).
- 38 (11) Uncertified Copies. – When, as a convenience to the public, the  
39 register of deeds supplies uncertified copies of instruments, or index  
40 pages, he may charge fees that in his discretion bear a reasonable  
41 relation to the quality of copies supplied and the cost of purchasing  
42 and maintaining copying and/or computer equipment. These fees may  
43 be changed from time to time, but the amount of these fees shall at all  
44 times be prominently posted in his office.

- 1 (12) Acknowledgment. – For taking an acknowledgment, oath, or  
2 affirmation or for the performance of any notarial act ~~—one dollar~~  
3 ~~(\$1.00)~~ two dollars (\$2.00). This fee shall not be charged if the act is  
4 performed as a part of one of the services for which a fee is provided  
5 by this subsection; except that this fee shall be charged in addition to  
6 the fees for registering, filing or recording instruments or plats as  
7 provided by subdivisions (1) and (3) of this subsection.
- 8 (13) Uniform Commercial Code. – Such fees as are provided for in Chapter  
9 25, Article 9, Part 4, of the General Statutes.
- 10 (14) Torrens Registration. – Such fees as are provided in G.S. 43-5.
- 11 (15) Master Forms. – Such fees as are provided for instruments in general.
- 12 (16) Probate. – For certification of instruments for registration as provided  
13 in G.S. 47-14 ~~—one dollar (\$1.00)~~ two dollars (\$2.00).
- 14 (17) Qualification of Notary Public. – For administering the oaths of office  
15 to a notary public and making the appropriate record entries as  
16 provided in G.S. 10-2 – five dollars (\$5.00).
- 17 (18) Reinstatement of Articles of Incorporation. – For filing reinstatements  
18 of Articles of Incorporation prepared pursuant to G.S. 105-232; such  
19 fees as provided for instruments in general. The fee shall be paid by  
20 the corporation affected."

21 Sec. 2. G.S. 25-9-402(5) reads as rewritten:

22 "(5) A financing statement covering timber to be cut or covering minerals  
23 or the like (including oil and gas) or accounts subject to subsection (5)  
24 of G.S. 25-9-103, or a financing statement filed as a fixture filing (G.S.  
25 25-9-313) must contain a description of the real estate. If the debtor  
26 does not have an interest of record in the real estate, the financing  
27 statement must show the name of a record owner. A financing  
28 statement filed as a fixture filing (G.S. 25-9-313) on a form shall have  
29 the appropriate box checked to indicate that the collateral is, or  
30 includes, fixtures. If (a) a copy of a security agreement is filed as a  
31 financing statement, as authorized by G.S. 25-9-402, or (b) a  
32 nonstandard form is filed, to perfect security interests in fixtures, the  
33 secured party or other filer shall attach thereto a form financing  
34 statement with the appropriate block checked to indicate that the  
35 collateral is, or includes, fixtures. In addition to other fees authorized  
36 for filing a financing statement, the fee for filing a financing statement  
37 as a fixture filing is eight dollars (\$8.00). If a financing statement is  
38 not marked as required by this subsection, it shall not be required to be  
39 indexed pursuant to G.S. 25-9-403(7)."

40 Sec. 3. G.S. 25-9-404(3) reads as rewritten:

41 "(3) ~~There shall be no fee charged for termination statements.~~ The fee for filing  
42 a termination statement is eight dollars (\$8.00)."

1           Sec. 4. This act becomes effective July 1, 1991, and applies to fees collected  
2 on or after that date. Sections 2 and 3 of this act apply to financing statements filed on  
3 or after July 1, 1991.