

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 876

Short Title: Abolish Seal Requirement.

(Public)

Sponsors: Representatives Linney; Blue, Braswell, W. Brown, Daughtry, Earle, Fitch, Hensley, H. Hunter, Michaux, and Neely.

Referred to: Judiciary II.

April 12, 1995

A BILL TO BE ENTITLED

AN ACT TO ABOLISH THE COMMON-LAW RULE THAT AN INSTRUMENT
CONVEYING AN INTEREST IN REAL PROPERTY MUST BE UNDER SEAL.

The General Assembly of North Carolina enacts:

Section 1. Article 1 of Chapter 39 of the General Statutes is amended by adding a new section to read:

"§ 39-3. Elimination of seal.

The validity of an instrument conveying an interest in real property that either recites or fails to recite that such instrument was executed under seal shall be unaffected by the failure of a party to that instrument to execute it under seal or to affix that party's seal to it."

Sec. 2. G.S. 47-41.01(b) is amended by adding a new subdivision to read:

"(4) The word 'sealed with its corporate seal' may be omitted if the seal of the corporation has not been affixed to the instrument being acknowledged."

Sec. 3. This act becomes effective October 1, 1995, and applies to instruments registered prior to or after that date, except that it shall not apply to litigation pending on that date or to any instrument directly or indirectly involved in litigation pending on that date.