

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1096

Short Title: Register of Deeds Amends.

(Public)

Sponsors: Representatives Hill; and Redwine.

Referred to: Judiciary II.

April 15, 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 the following aspects of land records management:

(1) Uniform indexing of land records;

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

(2a) Uniform recording standards for land records; and

(3) Security and reproduction of 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, rules specifying the minimum indexing and recording standards established pursuant to

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

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

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

9 ...

10 (19) Nonstandard document. – For registering a land records document not in
11 compliance with the recording standards adopted pursuant to G.S. 147-
12 54.3(b1) thirty dollars (\$30.00), in addition to all other applicable
13 recording fees."

14 Section 4. G.S. 161-14 reads as rewritten:

15 "**§ 161-14. Registration of instruments.**

16 (a) ~~The~~After the register of deeds determines that all statutory requirements for
17 registration have been met, the register of deeds shall immediately register all written
18 instruments presented to him for registration. When an instrument is presented for
19 registration, the register of deeds shall endorse upon it the day and hour on which it was
20 presented. This endorsement forms a part of the registration of the instrument. All
21 instruments shall be registered in the precise order in which they were presented for
22 registration. Immediately after endorsing the day and hour of presentation upon an
23 instrument, the register of deeds shall index and cross-index it in its proper sequence. He
24 shall then proceed to register it on the day that it is presented unless a temporary index
25 has been established.

26 (b) The register of deeds may, in his discretion, establish a temporary index in
27 which all instruments presented for registration shall be indexed until they are registered
28 and entered in the permanent indexes. A temporary index shall operate in all respects as
29 the permanent index. All instruments presented for registration shall be registered and
30 indexed and cross-indexed on the permanent indexes not later than 30 days after the date
31 of presentation.

32 (b) ~~All instruments presented for registration shall be on paper and in ink of a~~
33 ~~color, quality, size, and condition that will permit the production of legible and~~
34 ~~permanent reproductions thereof by photographic or microphotographic processes. If an~~
35 ~~instrument presented for registration is in a condition that will not permit such~~
36 ~~reproduction, the register of deeds shall endorse thereon the following notation: "Record~~
37 ~~of poor quality due to condition of original document."He shall then register the~~
38 ~~instrument in the usual manner."~~

39 Section 5. This act is effective when it becomes law.