

March 25, 2009

H 794. SUBSTITUTION OF TRUSTEES. Filed 3/25/09. *TO AMEND THE LAW GOVERNING SUBSTITUTION OF TRUSTEES IN MORTGAGES AND DEEDS OF TRUST.*

Amends GS 45-10 to create new subsection (b) that specifies that if the name of a trustee is omitted from an instrument that appears on its face to be intended to be a deed of trust, the instrument must be deemed to be a deed of trust and the owner or owners executing the deed of trust and granting an interest in the real property must be deemed to be the constructive trustee or trustees of record for the secured party or parties named in the instrument. Authorizes a substitution of trustee to be taken under the provisions in GS 45-10(a). Effective when it becomes law and applies to all instruments recorded before, on, or after that date.

Intro. by Martin.

GS 45

April 15, 2009

H 794. SUBSTITUTION OF TRUSTEES. Filed 3/25/09. House committee substitute makes the following changes to 1st edition. Amends proposed GS 45-10(b) to add that no constructive trustee has the authority to take any of the following actions without the consent and joinder of the holders or owners of a majority in the amount of the obligations secured by the deed of trust: (1) effect a substitution of trustee, (2) effect the satisfaction of the deed of trust, (3) release any property or any interest therein from the lien of the deed of trust, or (4) modify or amend the terms of the deed of trust. Provides that any substitute trustee named must succeed to all the rights, titles, authority, and duties of the trustee under the terms of the deed of trust without regard to the limitations imposed by subsection (b) on the authority of a constructive trustee.

June 29, 2009

SL 2009-176 (H 794). SUBSTITUTION OF TRUSTEES. AN ACT TO AMEND THE LAW GOVERNING SUBSTITUTION OF TRUSTEES IN MORTGAGES AND DEEDS OF TRUST. Summarized in *Daily Bulletin* 2/25/09 and 4/15/09. Enacted June 26, 2009. Effective June 26, 2009, and applies to all instruments recorded before, on, or after that date.