

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

D

HOUSE BILL 384
PROPOSED COMMITTEE SUBSTITUTE H384-PCS30363-RBf-48

Short Title: Register of Deeds/Fees.

(Public)

Sponsors:

Referred to:

March 17, 2011

A BILL TO BE ENTITLED

AN ACT TO SIMPLIFY THE FEES CHARGED FOR REGISTERING INSTRUMENTS
WITH A REGISTER OF DEEDS IN THIS STATE AND TO MODIFY THE
INSTRUMENT PAGE REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 161-10 reads as rewritten:

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

(a) Except as otherwise provided in this Article, all fees collected under this section shall be deposited into the county general fund. While performing the duties of the office, the register of deeds shall collect the following fees which shall be uniform throughout the State:

(1) Instruments in General. – For registering or filing any instrument for which no other provision is made by this section, ~~whether written, printed, or typewritten,~~ the fee shall be ~~twelve dollars (\$12.00)~~ twenty-six dollars (\$26.00) for the first ~~page~~ 15 pages plus ~~three dollars (\$3.00)~~ four dollars (\$4.00) for each additional page or fraction thereof.

When a subsequent instrument, as defined in G.S. 161-14.1(a)(3), is presented for registration with reference to more than one original instrument for which recording data are required to be indexed pursuant to G.S. 161-14.1(b), the fee shall be an additional twenty-five dollars (\$25.00) for each additional reference.

When a document is presented for registration that consists of multiple instruments, the fee shall be an additional ten dollars (\$10.00) for each additional instrument. A document consists of multiple instruments when it contains two or more instruments with different legal consequences or intent, each of which is separately executed and acknowledged and could be recorded alone.

(1a) Deeds of Trust, Mortgages, and Cancellation of Deeds of Trust and Mortgages. – For registering or filing any deed of trust or mortgage, whether written, printed, or typewritten, the fee shall be ~~twenty-eight dollars (\$28.00)~~ fifty-six dollars (\$56.00) for the first ~~page~~ 15 pages plus ~~three dollars (\$3.00)~~ four dollars (\$4.00) for each additional page or fraction thereof.

When a deed of trust or mortgage is presented for registration that contains one or more additional instruments, the fee shall be ten dollars



* H 3 8 4 - P C S 3 0 3 6 3 - R B F - 4 8 *

1 (\$10.00) for each additional instrument. A deed of trust or mortgage contains
 2 one or more additional instruments if such additional instrument or
 3 instruments has or have different legal consequences or intent, each of which
 4 is separately executed and acknowledged and could be recorded alone.

5 For recording records of satisfaction, or the cancellation of record by any
 6 other means, of deeds of trust or mortgages, there shall be no fee.

7 ...

8 (16) ~~Probate. For verification of proofs and acknowledgements as provided in~~
 9 ~~G.S. 47-14 two dollars (\$2.00).~~

10"

11 **SECTION 2.** G.S. 161-11.3 reads as rewritten:

12 **"§ 161-11.3. Automation Enhancement and Preservation Fund.**

13 Ten percent (10%) of the fees collected pursuant to G.S. 161-10 and retained by the county,
 14 or ~~three dollars and twenty cents (\$3.20)~~ six dollars and twenty cents (\$6.20) in the case of a
 15 fee collected pursuant to G.S. 161-10(a)(1a) for the first page of a deed of trust or mortgage,
 16 shall be set aside annually and placed in a nonreverting Automation Enhancement and
 17 Preservation Fund, the proceeds of which shall be expended on computer or imaging
 18 technology and needs associated with the preservation and storage of public records in the
 19 office of the register of deeds. Nothing in this section shall be construed to affect the duty of
 20 the board of county commissioners to furnish supplies and equipment to the office of the
 21 register of deeds."

22 **SECTION 3.** G.S. 161-11.5 reads as rewritten:

23 **"§ 161-11.5. Fees for ~~General Fund support to be remitted to State Treasurer.~~**

24 ~~Five dollars (\$5.00)~~ Six dollars and twenty cents (\$6.20) of each fee collected by the register
 25 of deeds ~~for registering or filing a deed of trust or mortgage pursuant to G.S. 161-10(a)(1a)~~
 26 under G.S. 161-10(a)(1) and (a)(1a) shall be remitted by the register of deeds to the county
 27 finance officer, who shall remit the funds to the State Treasurer ~~to be credited to the General~~
 28 ~~Fund as nontax revenue. The county finance officer shall remit the funds to the State Treasurer~~
 29 ~~on a monthly basis.~~ on a monthly basis to be credited as follows:

- 30 (1) Fifty-five percent (55%) to the Floodplain Mapping Fund established under
 31 G.S. 143-215.56A.
 32 (2) Twenty-four percent (24%) to the General Fund as nontax revenue.
 33 (3) Twenty-one percent (21%) to the Department of Cultural Resources to be
 34 used as provided in G.S. 121-5(e)."

35 **SECTION 4.** G.S. 161-11.4 and G.S. 161-11.6 are repealed.

36 **SECTION 5.** The Revenue Laws Study Committee must review the effect of the
 37 changes enacted by this act to determine whether they have simplified the collection and
 38 remittance of fees by the Register of Deeds for the filing of various instruments and to study
 39 the effect the fees changes have had on revenue collections in the 100 counties. The Committee
 40 must report its findings to the North Carolina General Assembly and recommend whether the
 41 provisions of this act should sunset as provided in Section 6 of this act.

42 **SECTION 6.** G.S. 161-14(b) reads as rewritten:

43 "(b) All instruments, except instruments conforming to the provisions of G.S. 25-9-521,
 44 presented for registration on paper shall meet all of the following requirements:

- 45 (1) Be eight and one-half inches by eleven inches or eight and one-half inches
 46 by fourteen inches.
 47 (2) Have a blank margin of three inches at the top of the first page and blank
 48 margins of ~~one-half~~ at least one-quarter inches on the remaining sides of the
 49 first page and on all sides of subsequent pages.
 50 (3) Be typed or printed in black on white paper in a legible font. A font size no
 51 smaller than ~~409~~ 10 points shall be considered legible. Blanks in an instrument

1 may be completed in pen and corrections to an instrument may be made in
2 pen.

3 (4) Have text typed or printed on one side of a page only.

4 (5) State the type of instrument at the top of the first page.

5 If an instrument does not meet these requirements, the register of deeds shall register the
6 instrument after collecting the fee for nonstandard documents as required by
7 G.S. 161-10(a)(19) in addition to all other applicable recording fees. However, if an instrument
8 fails to meet the requirements because it contains print in a font size smaller than ~~10~~9 points,
9 the register of deeds may register the instrument without collecting the fee for nonstandard
10 documents if, in the discretion of the register of deeds, the instrument is legible."

11 **SECTION 7.** This act becomes effective October 1, 2011, and applies to
12 instruments registered on or after that date. Sections 1 through 5 of this act expire July 1, 2013.