

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30116-MQ-1A

Short Title: Fraudulent Deeds.

(Public)

Sponsors: Representative Torbett.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PENALIZE THE FILING OF FRAUDULENT DEEDS AND CONVEYANCES,
3 TO ESTABLISH A PROCESS TO ENABLE A VICTIM OF A FRAUDULENT DEED
4 FILING TO REMOVE THE FRAUDULENT RECORDING FROM THE RECORD, AND
5 TO REQUIRE TAX CERTIFICATION PRIOR TO RECORDING CERTAIN
6 INSTRUMENTS.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 14-122 reads as rewritten:

9 "**§ 14-122. Forgery of deeds, wills and certain other ~~instruments.~~instruments; presentation**
10 **for filing.**

11 (a) If any person, of his own head and imagination, or by false conspiracy or fraud with
12 others, shall wittingly and falsely forge and make, or shall cause or wittingly assent to the forging
13 or making of, or shall show forth in evidence, knowing the same to be forged, any deed, lease or
14 will, or any bond, writing obligatory, bill of exchange, promissory note, endorsement or
15 assignment thereof; or any acquittance or receipt for money or goods; or any receipt or release
16 for any bond, note, bill or any other security for the payment of money; or any order for the
17 payment of money or delivery of goods, with intent, in any of said instances, to defraud any
18 person or corporation, and thereof shall be duly convicted, the person so offending shall be
19 punished as a Class H felon.

20 (b) It shall be unlawful for any person to present for filing or recording in a public record
21 or a private record generally available to the public a deed or transfer of real property of an owner,
22 knowing or having reason to know that the deed or conveyance is false or contains a materially
23 false, fictitious, or fraudulent statement or representation. If the value of property is one hundred
24 thousand dollars (\$100,000) or more, a violation of this subsection shall be punished as a Class
25 C felony. If the value of property is less than one hundred thousand dollars (\$100,000), a violation
26 of this subsection is a Class G felony."

27 SECTION 2. Article 20 of Chapter 14 of the General Statutes is amended by adding
28 a new section to read:

29 "**§ 14-118.6A. Fraudulent deed or conveyance.**

30 (a) The actual owner of an interest in real property subject to a recorded false, fictitious,
31 or fraudulent deed or conveyance may file a civil action and proceed pro se, without the
32 assistance of legal counsel. The district court division of the General Court of Justice shall have
33 original jurisdiction over actions instituted under this section, and a party may seek emergency
34 relief under this section by filing a civil action in district court alleging the filing or recording of
35 a false, fictitious, or fraudulent deed or conveyance in a public record or a private record generally
36 available to the public. If an ex parte hearing is requested, and, upon the submission of a sworn



1 statement and evidence supporting the allegation of the recordation of a false, fictitious, or
2 fraudulent deed or conveyance, a temporary order, declaring the recording to be fraudulent, shall
3 be entered if the court finds that there is no statutory, contractual, or other legal basis for the
4 alleged false, fictitious, or fraudulent recording. A temporary order entered under this subsection
5 shall remain in effect for the later of 60 days or until the entry of a permanent order. The chief
6 district court judge may authorize a magistrate or magistrates to hear any motions for emergency
7 relief ex parte under this section. If a party acting pro se requests ex parte relief under this section,
8 the clerk of superior court shall schedule an ex parte hearing with the district court division of
9 the General Court of Justice within 72 hours of the filing for said relief, or by the end of the next
10 day on which the district court is in session in the county in which the action was filed, whichever
11 shall first occur. If the district court is not in session in said county, the party may contact the
12 clerk of superior court in any other county within the same judicial district who shall schedule
13 an ex parte hearing with the district court division of the General Court of Justice by the end of
14 the next day on which said court division is in session in that county. Upon the issuance of an ex
15 parte order under this subsection, a hearing shall be held within 10 calendar days from the date
16 of issuance of the order or within seven calendar days from the date of service of process on the
17 other party, whichever occurs later. A continuance shall be limited to one extension of no more
18 than 10 calendar days unless all parties consent or good cause is shown. The hearing shall have
19 priority on the court calendar. If, after an opportunity to be heard to all interested persons and all
20 persons claiming an ownership interest in the property, the court finds that there is no statutory,
21 contractual, or other legal basis for the recording, the court shall enter a permanent order finding
22 that the recorded deed or conveyance is false and is void as a matter of law. The court may also
23 include in the order any of the following types of relief:

24 (1) Grant to a party possession of the real property and order the ejectment of any
25 party on the premises.

26 (2) Award to a party attorneys' fees and other costs for the action.

27 (3) Stay any proceedings involving the subject real property in which the property
28 owner is not a party to.

29 (b) Upon being presented with an ex parte or a permanent order duly issued by a court of
30 competent jurisdiction of this State declaring that a deed or conveyance already recorded is false
31 and void as a matter of law, the register of deeds that received the false recording shall record
32 and cross-index the order and shall, in addition to recording the court's order, also conspicuously
33 mark on the first page of the original record previously recorded the following statement: "THE
34 CLAIM ASSERTED IN THIS DOCUMENT IS FALSE AND IS NOT PROVIDED FOR BY
35 THE GENERAL LAWS OF THIS STATE." An order presented for recording pursuant to this
36 section shall be recorded and cross-indexed by the register of deeds, and no fee authorized under
37 G.S. 161-10, or otherwise, shall be charged.

38 (c) In addition to any criminal penalties provided by law, the presentation of an
39 instrument for recording with a register of deeds that purports to be a deed or conveyance that is
40 determined to be materially false, fictitious, or fraudulent shall constitute a violation of
41 G.S. 75-1.1.

42 (d) A person who initiates an action under this section knowing that the subject deed or
43 conveyance is not false, fictitious, or fraudulent shall be punished as a Class G felon."

44 **SECTION 3.** G.S. 161-31 reads as rewritten:

45 **"§ 161-31. Tax certification.**

46 (a) Tax Certification. – The board of commissioners of a county ~~may, shall,~~ by resolution,
47 require the register of deeds not to accept any deed transferring real property for registration
48 unless the county tax collector has certified that no delinquent ad valorem county taxes, ad
49 valorem municipal taxes, or other taxes with which the collector is charged are a lien on the
50 property described in the deed. The county commissioners may describe the form the certification
51 must take in its resolution.

1 (a1) Exception to Tax Certification. – ~~If a board of county commissioners adopts a~~
2 ~~resolution pursuant to subsection (a) of this section, notwithstanding the resolution, the~~
3 ~~The~~ register of deeds shall accept without certification a deed submitted for registration under the
4 supervision of a closing attorney and containing this statement on the deed: "This instrument
5 prepared by: _____, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid
6 by the closing attorney to the county tax collector upon disbursement of closing proceeds."

7 (b) ~~Applicability. — This section applies only to Alamance, Alexander, Anson, Beaufort,~~
8 ~~Bertie, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Camden, Carteret, Caswell,~~
9 ~~Catawba, Cherokee, Chowan, Clay, Cleveland, Columbus, Currituck, Dare, Davidson, Davie,~~
10 ~~Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Greene,~~
11 ~~Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Hyde, Iredell, Jackson, Johnston, Jones,~~
12 ~~Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Montgomery, Nash, Northampton,~~
13 ~~Onslow, Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Randolph, Robeson, Rockingham,~~
14 ~~Rowan, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Tyrrell,~~
15 ~~Vance, Warren, Washington, Wayne, Wilson, Yadkin, and Yancey Counties."~~

16 **SECTION 4.** This act becomes effective December 1, 2025, and applies to
17 documents and instruments submitted for recording on or after that date.