

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 1174
HOUSE BILL 849

1 AN ACT TO AMEND CHAPTER 47 OF THE GENERAL STATUTES SO AS TO PROVIDE
2 FOR THE FILING OF MEMORANDA OF LEASES AND OPTIONS FOR
3 REGISTRATION.
4

5 The General Assembly of North Carolina do enact:
6

7 **Section 1.** Chapter 47 of the General Statutes is hereby amended by inserting at the
8 end thereof a new Article to be designated as Article 8 and to read as follows:
9

"ARTICLE 8

10 **"G.S. 47-117. Forms do not preclude use of others; adaptation of forms.** (a) The form
11 prescribed in this Article does not exclude the use of other forms which are sufficient in law.

12 "(b) The prescribed form may be adapted to fit the various situations in which the
13 grantors or grantees are individuals, firms, associations, corporations, or otherwise, or
14 combinations thereof.

15 **"G.S. 47-118. Forms of registration of lease.** (a) A lease of land or land and personal
16 property may be registered by registering a memorandum thereof which shall set forth:

17 "(1) The names of the parties thereto;

18 "(2) A description of the property leased;

19 "(3) The term of the lease, including extensions, renewals and options to
20 purchase, if any; and

21 "(4) Reference sufficient to identify the complete agreement between the parties.

22 Such a memorandum may be substantially the following form:
23

"MEMORANDUM OF LEASE

24 _____
25 _____
26 (Name and address or description of lessor or lessors)

27 hereby lease(s) to _____,

28 (Name and address or description of lessee or lessees)

29 for a term beginning the _____ day of _____, 19_____, and
30 (Month)

31 continuing for a maximum period of _____, including extensions
32 and renewals, if any, the following property:

33 (Here describe the property)

34 (If applicable: [There exists an option to purchase with respect to this leased property,
35 in favor of the lessee which expires the _____ day of _____, 19_____,
36 (Month) (Year)

37 which is set forth at large in the complete agreement between the parties].)

38 "The provisions set forth in a written lease agreement between the parties dated the
39 _____ day of _____, 19_____, are hereby incorporated in
40 (Month)

41 this memorandum.

42 _____ [Seal]

43 (Lessor)

[Seal]

(Lessor)

(Acknowledgment as required by law.)

"(b) If the provisions of the lease make it impossible or impractical to state the maximum period of the lease because of conditions, renewals and extensions, or otherwise, then the memorandum of lease shall state in detail all provisions concerning the term of the lease as fully as set forth in the written lease agreement between the parties.

"(c) Registration of a memorandum of lease pursuant to subsections (a) and (b) of this Section, shall have the same legal effect as if the written lease agreement had been registered in its entirety.

"G.S. 47-119. Form of memorandum for option to purchase real estate. An option to purchase real estate may be registered by registering a memorandum thereof which shall set forth:

- "(1) The names of the parties thereto;
- "(2) A description of the property which is subject to the option;
- "(3) The expiration date of the option;
- "(4) Reference sufficient to identify the complete agreement between the parties.

Such a memorandum may be in substantially the following form:

NORTH CAROLINA

_____ COUNTY

In consideration of _____, the receipt of which

(Set out consideration)

is hereby acknowledged, _____

(Name and address of person selling option)

does hereby give and grant to _____

(Name and address of person buying option)

the right and option to purchase the following property: (Here describe property).

This option shall expire on the _____ day of _____, 19 _____

The provisions set forth in a written option agreement between the parties dated the _____ day of _____, 19 _____, are hereby incorporated in this memorandum.

Witness our hand(s) and seal(s) this _____ day of _____, 19 _____

(Seal)

(Seal)

"G.S. 47-120. Such memorandum of an option to purchase real estate, or lease as proposed by G.S. 47-118 or G.S. 47-119, when executed, acknowledged, delivered and registered as required by law, shall be as good and sufficient notice, and have the same force and effect as if the written lease or option to purchase real estate had been registered in its entirety."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective October 1, 1961.

In the General Assembly read three times and ratified, this the 22nd day of June, 1961.