

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 1216
SENATE BILL 755

1 AN ACT TO AMEND CHAPTER 108 OF THE GENERAL STATUTES, AS IT APPEARS
2 IN CHAPTER 546 OF THE SESSION LAWS OF 1969, TO PROVIDE FOR THE
3 RELEASE OF REALTY FROM WELFARE LIENS BY THE COUNTY
4 COMMISSIONERS.

5
6 The General Assembly of North Carolina do enact:

7
8 **Section 1.** Part 1 of Article 2 of Chapter 108 of the General Statutes, as it appears
9 in Chapter 546 of the Session Laws of 1969, is hereby amended by adding a new section
10 therein, immediately following G.S. 108-37 and immediately before Part 2 of Article 2 entitled
11 "Aid to Families With Dependent Children" as follows:

12 **"G.S. 108-37.1. Release of realty from the lien; effect of failure to file release in clerk's**
13 **office.** The county commissioners are authorized to release a specific tract or parcel of realty
14 from a lien described in this Article, before or after the termination of a grant of assistance
15 which is the subject of the lien, based upon any circumstances from which the commissioners
16 are satisfied that the release will result in the largest net recovery for the county, State and
17 Federal governments, or a net recovery as large as would be made in any other manner. The
18 release shall be by duly executed resolution which shall recite the reasons for the release and
19 the consideration received therefor. The release shall contain a full description of the tract or
20 parcel released and the nature and extent of the interest of the lienor in the property released.
21 The commissioners shall cause the original or a duly executed copy of the original of the
22 release to be filed and indexed in the office of the clerk of superior court in the same place and
23 manner as is required for liens provided for under this Article. Whether or not in any case the
24 commissioners have, through inadvertence or otherwise, failed to have the release filed and
25 indexed in the office of the clerk, it is hereby expressly provided that except from the time of
26 the filing and indexing of the release in the clerk's office in the same place and manner as is
27 required for liens provided for under this Article, no release of lien provided for herein shall be
28 valid as against any lien creditor, except one whose lien is one released as herein provided, or
29 as against any purchaser for a valuable consideration, whose lien or interest or claim of lien or
30 interest in the property released would be nullified, adversely affected, or diminished by the
31 release."

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

33 **Sec. 3.** This Act shall be effective on and after July 1, 1969.

34 In the General Assembly read three times and ratified, this the 1st day of July, 1969.