

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 440
HOUSE BILL 848

AN ACT TO CONVERT TO FEE SIMPLE CERTAIN NINETY-NINE YEAR
LEASES OF THE TOWN OF SMITHVILLE OR THE CITY OF SOUTHPORT.

Whereas, Chapter 114, Laws of 1812, provided that as to all waterskirts and beachskirts leased from the commissioners of the Town of Smithville, and such persons who may thereafter receive leases for such frontskirts, they may be vested and confirmed with permanent and lawful rights of inheritance, and that all other leased lots were declared to be absolute to the "leaser" and held by "leases" in fee simple; and

Whereas, Chapter 54, Private Laws of 1813, states that the 1812 law indicated that proprietors of leases may be thereafter vested with permanent right of inheritance, but did not absolutely vest the same, and then proceeds to state that "all the leased lots in front of, adjoining to and around the Town of Smithville shall be and they are hereby vested in the lessees, their heirs and assigns, forever"; and

Whereas, the commissioners of the Town of Smithville and the City of Southport continued to make 99-year leases until about the year 1900; and

Whereas, the name of the Town of Smithville was changed to the City of Southport by Chapter 76, Private Laws of 1887; and

Whereas, the town made numerous 99-year leases in the nineteenth century subsequent to the 1812 and 1813 laws, and apparently assumed the 1812 law converted them into fee simple; and

Whereas, many of these leases have expired or are soon about to expire; and

Whereas, the City of Southport does not desire to lay any claim to the underlying fee simple; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. All leases for a term of 99 years made by the Town of Smithville or the City of Southport on or before December 31, 1899, and recorded on or before that date, are declared to have been made as deeds in fee simple.

Sec. 2. This act shall become effective July 1, 1983.

In the General Assembly read three times and ratified, this the 6th day of June, 1983.