

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 185

Short Title: Charge to Cancel Deeds of Trust.

(Public)

Sponsors: Representative Dawkins.

Referred to: Judiciary.

February 9, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE REGISTER OF DEEDS SHALL COLLECT A FEE OF TWO DOLLARS FOR EACH CANCELLATION OF A DEED OF TRUST OR MORTGAGE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 161-10(a) reads as rewritten:

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

(a) Except as provided in G.S. 130-40 or G.S. 161-11.1, all fees collected under this section shall be deposited into the county general fund. In the performance of his duties, 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 five dollars (\$5.00) for the first page, which page shall not exceed 8 1/2 inches by 14 inches, plus two dollars (\$2.00), for each additional page or fraction thereof. A page exceeding 8 1/2 inches by 14 inches shall be considered two pages.

If a document is presented for registration, or filing, that consists of two or more instruments and the first page of the document shows the title of each instrument contained in the document, the fee shall be ten dollars (\$10.00) for each additional instrument. The register of deeds shall not be required to index any instrument that is a part of a document containing multiple instruments unless the title of that instrument is shown on the first page of the document. A document consists of

- 1 multiple instruments when it contains two or more instruments with
2 different legal consequences or intent, each of which could be
3 registered or filed alone.
- 4 (2) Marriage Licenses. – For issuing a license – twenty dollars (\$20.00);
5 for issuing a delayed certificate with one certified copy – five dollars
6 (\$5.00); and for a proceeding for correction of names in application,
7 license or certificate, with one certified copy – five dollars (\$5.00).
- 8 (3) Plats. – For each original or revised plat recorded – nineteen dollars
9 (\$19.00); for furnishing a certified copy of a plat – three dollars
10 (\$3.00).
- 11 (4) Right-of-Way Plans. – For each original or amended plan and profile
12 sheet recorded – five dollars (\$5.00). This fee is to be collected from
13 the Board of Transportation.
- 14 (5) Registration of Birth Certificate One Year or More after Birth. –For
15 preparation of necessary papers when birth to be registered in another
16 county – five dollars (\$5.00); for registration when necessary papers
17 prepared in another county, with one certified copy – five dollars
18 (\$5.00); for preparation of necessary papers and registration in the
19 same county, with one certified copy – ten dollars (\$10.00).
- 20 (6) Amendment of Birth or Death Record. – For preparation of
21 amendment and affecting correction – two dollars (\$2.00).
- 22 (7) Legitimations. – For preparation of all documents concerned with
23 legitimations – seven dollars (\$7.00).
- 24 (8) Certified Copies of Birth and Death Certificates and Marriage
25 Licenses. – For furnishing a certified copy of a death or birth
26 certificate or marriage license – three dollars (\$3.00) Provided
27 however, a Register of Deeds may issue without charge a certified
28 Birth Certificate to any person over the age of 65 years.
- 29 (9) Certified Copies. – For furnishing a certified copy of an instrument for
30 which no other provision is made by this section – three dollars (\$3.00)
31 for the first page, plus one dollar (\$1.00) for each additional page or
32 fraction thereof.
- 33 (10) Comparing Copy for Certification. – For comparing and certifying a
34 copy of any instrument filed for registration, when the copy is
35 furnished by the party filing the instrument for registration and at the
36 time of filing thereof – two dollars (\$2.00).
- 37 (11) Uncertified Copies. – When, as a convenience to the public, the
38 register of deeds supplies uncertified copies of instruments, he may
39 charge fees that in his discretion bear a reasonable relation to the
40 quality of copies supplied and the cost of purchasing and maintaining
41 copying equipment. These fees may be changed from time to time, but
42 the amount of these fees shall at all times be prominently posted in his
43 office.

- 1 (12) Acknowledgment. – For taking an acknowledgment, oath, or
2 affirmation or for the performance of any notarial act – one dollar
3 (\$1.00). This fee shall not be charged if the act is performed as a part
4 of one of the services for which a fee is provided by this subsection;
5 except that this fee shall be charged in addition to the fees for
6 registering, filing or recording instruments or plats as provided by
7 subdivisions (1) and (3) of this subsection.
- 8 (13) Uniform Commercial Code. – Such fees as are provided for in Chapter
9 25, Article 9, Part 4, of the General Statutes.
- 10 (14) Torrens Registration. – Such fees as are provided in G.S. 43-5.
- 11 (15) Master Forms. – Such fees as are provided for instruments in general.
- 12 (16) Probate. – For certification of instruments for registration as provided
13 in G.S. 47-14 – one dollar (\$1.00).
- 14 (17) Qualification of Notary Public. – For administering the oaths of office
15 to a notary public and making the appropriate record entries as
16 provided in G.S. 10-2 – five dollars (\$5.00).
- 17 (18) Reinstatement of Articles of Incorporation. – For filing reinstatements
18 of Articles of Incorporation prepared pursuant to G.S. 105-232; such
19 fees as provided for instruments in general. The fee shall be paid by
20 the corporation affected.
- 21 (19) Cancellation of Deeds of Trust, Mortgages, and Other Instruments. –
22 For making the proper entry of cancellation and satisfaction of a deed
23 of trust, mortgage, or other instrument as provided in G.S. 45-37 – two
24 dollars (\$2.00) for each entry, without regard to the number of pages in
25 a document requesting multiple cancellations."
- 26 Sec. 2. This act shall become effective 30 days from the date of ratification.