

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 924

Finance Committee Substitute Adopted 6/9/93

House Committee Substitute Favorable 7/5/93

Short Title: Change Register of Deeds Fees.

(Public)

Sponsors:

Referred to:

April 20, 1993

A BILL TO BE ENTITLED

AN ACT TO RAISE THE FEES CHARGED BY REGISTERS OF DEEDS FOR THE RECORDING OF INSTRUMENTS AND FOR THE PROBATE OF INSTRUMENTS, TO PROVIDE THAT REGISTERS OF DEEDS SHALL NOT CHARGE A FEE FOR RECORDING THE SATISFACTION OF MORTGAGES AND DEEDS OF TRUST, AND TO REMOVE THE REQUIREMENT THAT SUBSTITUTIONS OF TRUSTEES BE RECORDED AS SEPARATE INSTRUMENTS.

The General Assembly of North Carolina enacts:

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

"(a) Except as provided in G.S. 161-11.1 or 161-11.2, 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-six~~ six dollars ~~(\$5.00)~~ (\$6.00) 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.

1           When a document is presented for registration that consists of  
2 multiple instruments, the fee shall be ten dollars (\$10.00) for each  
3 additional instrument. A document consists of multiple instruments  
4 when it contains two or more instruments with different legal  
5 consequences or intent, each of which is separately executed and  
6 acknowledged and could be recorded alone.

- 7           (1a) Deeds of Trust, Mortgages, and Cancellation of Deeds of Trust and  
8 Mortgages. – For registering or filing any deed of trust or mortgage,  
9 whether written, printed, or typewritten, the fee shall be ten dollars  
10 (\$10.00) for the first page, which page shall not exceed 8 1/2 inches by  
11 14 inches, plus two dollars (\$2.00) for each additional page or fraction  
12 thereof. A page exceeding 8 1/2 inches by 14 inches shall be  
13 considered two pages.

14           When a deed of trust or mortgage is presented for registration that  
15 contains one or more additional instruments, the fee shall be ten  
16 dollars (\$10.00) for each additional instrument. A deed of trust or  
17 mortgage contains one or more additional instruments if such  
18 additional instrument or instruments has or have different legal  
19 consequences or intent, each of which is separately executed and  
20 acknowledged and could be recorded alone.

21           For recording records of satisfaction, or the cancellation of record  
22 by any other means, of deeds of trust or mortgages, there shall be no  
23 fee.

- 24           (2) Marriage Licenses. – For issuing a license forty dollars (\$40.00); for  
25 issuing a delayed certificate with one certified copy five dollars  
26 (\$5.00); and for a proceeding for correction of names in application,  
27 license or certificate, with one certified copy five dollars (\$5.00).
- 28           (3) Plats. – For each original or revised plat recorded nineteen dollars  
29 (\$19.00); for furnishing a certified copy of a plat three dollars (\$3.00).
- 30           (4) Right-of-Way Plans. – For each original or amended plan and profile  
31 sheet recorded five dollars (\$5.00). This fee is to be collected from the  
32 Board of Transportation.
- 33           (5) Registration of Birth Certificate One Year or More after Birth. – For  
34 preparation of necessary papers when birth to be registered in another  
35 county five dollars (\$5.00); for registration when necessary papers  
36 prepared in another county, with one certified copy five dollars  
37 (\$5.00); for preparation of necessary papers and registration in the  
38 same county, with one certified copy ten dollars (\$10.00).
- 39           (6) Amendment of Birth or Death Record. – For preparation of  
40 amendment and affecting correction two dollars (\$2.00).
- 41           (7) Legitimations. – For preparation of all documents concerned with  
42 legitimations seven dollars (\$7.00).
- 43           (8) Certified Copies of Birth and Death Certificates and Marriage  
44 Licenses. – For furnishing a certified copy of a death or birth

1 certificate or marriage license three dollars (\$3.00). Provided  
 2 however, a Register of Deeds may issue without charge a certified  
 3 Birth Certificate to any person over the age of 62 years.

4 (9) Certified Copies. – For furnishing a certified copy of an instrument for  
 5 which no other provision is made by this section three dollars (\$3.00)  
 6 for the first page, plus one dollar (\$1.00) for each additional page or  
 7 fraction thereof.

8 (10) Comparing Copy for Certification. – For comparing and certifying a  
 9 copy of any instrument filed for registration, when the copy is  
 10 furnished by the party filing the instrument for registration and at the  
 11 time of filing thereof two dollars (\$2.00).

12 (11) Uncertified Copies. – When, as a convenience to the public, the  
 13 register of deeds supplies uncertified copies of instruments, or index  
 14 pages, he may charge fees that in his discretion bear a reasonable  
 15 relation to the quality of copies supplied and the cost of purchasing  
 16 and maintaining copying and/or computer equipment. These fees may  
 17 be changed from time to time, but the amount of these fees shall at all  
 18 times be prominently posted in his office.

19 (12) Notarial acts. – For taking an acknowledgment, oath, or affirmation or  
 20 performing any other notarial act the maximum fee set in G.S. 10A-10.  
 21 This fee shall not be charged if the act is performed as a part of one of  
 22 the services for which a fee is provided by this subsection; except that  
 23 this fee shall be charged in addition to the fees for registering, filing, or  
 24 recording instruments or plats as provided by subdivisions (1) and (3)  
 25 of this subsection.

26 (13) Uniform Commercial Code. – Such fees as are provided for in Chapter  
 27 25, Article 9, Part 4, of the General Statutes.

28 (14) Torrens Registration. – Such fees as are provided in G.S. 43-5.

29 (15) Master Forms. – Such fees as are provided for instruments in general.

30 (16) Probate. – For certification of instruments for registration as provided  
 31 in G.S. 47-14 ~~one dollar (\$1.00)~~ two dollars (\$2.00).

32 (17) Qualification of Notary Public. – For administering the oaths of office  
 33 to a notary public and making the appropriate record entries as  
 34 provided in G.S. 10A-8 five dollars (\$5.00).

35 (18) Reinstatement of Articles of Incorporation. – For filing reinstatements  
 36 of Articles of Incorporation prepared pursuant to G.S. 105-232; such  
 37 fees as provided for instruments in general. The fee shall be paid by  
 38 the corporation affected."

39 Sec. 2. G.S. 45-16 reads as rewritten:

40 "**§ 45-16. Register of deeds to make marginal entry of substituted trustee.**

41 Whenever any substituted trustee shall be appointed as provided in G.S. 45-10 ~~to~~  
 42 through G.S. 45-17 and such designation of such substituted trustee shall have been  
 43 registered, ~~together with the certificates required in G.S. 45-10 to 45-17,~~ then it shall be the  
 44 duty of the register of deeds to ~~record a separate instrument,~~ index the substitution of

1 trustee as required by G.S. 161-14.1, indicating the place of registration of such  
2 appointment of a substituted trustee, and this shall be done as many times as a trustee  
3 may be substituted as provided for in G.S. 45-10 ~~to~~ through G.S. 45-17. Whenever  
4 practical, the register of deeds may also make an appropriate notation on the margin of  
5 the registration of the mortgage, deed of trust, or other instrument securing the payment  
6 of money. It shall be competent for the holder of such deed of trust, or deeds of trust,  
7 mortgage or mortgages, wherein the same trustee is named, to execute one instrument  
8 applying to all such deeds of trust or mortgages, in the substitution of a trustee for any  
9 of the causes set forth in G.S. 45-10, and in said instrument to recite and name the  
10 mortgages and/or deeds of trust affected by giving the names of the grantors, the trustee  
11 and, if registered, the book and page of such registration. This may be done as many  
12 times as a trustee may be substituted as provided for in G.S. 45-10 ~~to~~ through G.S. 45-  
13 17, and in which cases the register of deeds shall make, as to each recited instrument,  
14 mortgage or deed of trust, the notation provided for in this section."

15 Sec. 3. G.S 45-37.2 reads as rewritten:

16 "**§ 45-37.2. Recording satisfactions of deeds of trust and mortgages.**

17 The register of deeds shall record the satisfaction and cancel the record of every  
18 deed of trust or mortgage satisfied by recording a record of satisfaction which shall  
19 consist of a separate instrument, or that part of the original deed of trust or mortgage  
20 rerecorded, reciting the names of all parties to the original instrument, the amount of the  
21 obligation secured, the date of satisfaction of the obligation, the appropriate entry of  
22 satisfaction as provided in G.S. 45-37, a reference by book and page number to the  
23 record of the instrument satisfied, and the date of recording the notice of satisfaction.  
24 ~~The fee for recording a record of satisfaction shall be the fee for recording instruments in~~  
25 ~~general provided in G.S. 161-10(a)(1).~~ Whenever it is practical to do so, the register of  
26 deeds may make a marginal notation in addition to making the recordation required by  
27 this section."

28 Sec. 4. This act becomes effective October 1, 1993, and applies to fees  
29 collected and entries made on or after that date.