

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 425
SENATE BILL 924

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.

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

- (1a) Deeds of Trust, Mortgages, and Cancellation of Deeds of Trust and Mortgages. – For registering or filing any deed of trust or mortgage, whether written, printed, or typewritten, the fee shall be ten dollars (\$10.00) 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.

When a deed of trust or mortgage is presented for registration that contains one or more additional instruments, the fee shall be ten

dollars (\$10.00) for each additional instrument. A deed of trust or mortgage contains one or more additional instruments if such additional instrument or instruments has or have different legal consequences or intent, each of which is separately executed and acknowledged and could be recorded alone.

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

- (2) Marriage Licenses. – For issuing a license forty dollars (\$40.00); for issuing a delayed certificate with one certified copy five dollars (\$5.00); and for a proceeding for correction of names in application, license or certificate, with one certified copy five dollars (\$5.00).
- (3) Plats. – For each original or revised plat recorded nineteen dollars (\$19.00); for furnishing a certified copy of a plat three dollars (\$3.00).
- (4) Right-of-Way Plans. – For each original or amended plan and profile sheet recorded five dollars (\$5.00). This fee is to be collected from the Board of Transportation.
- (5) Registration of Birth Certificate One Year or More after Birth. – For preparation of necessary papers when birth to be registered in another county five dollars (\$5.00); for registration when necessary papers prepared in another county, with one certified copy five dollars (\$5.00); for preparation of necessary papers and registration in the same county, with one certified copy ten dollars (\$10.00).
- (6) Amendment of Birth or Death Record. – For preparation of amendment and affecting correction two dollars (\$2.00).
- (7) Legitimations. – For preparation of all documents concerned with legitimations seven dollars (\$7.00).
- (8) Certified Copies of Birth and Death Certificates and Marriage Licenses. – For furnishing a certified copy of a death or birth certificate or marriage license three dollars (\$3.00). Provided however, a Register of Deeds may issue without charge a certified Birth Certificate to any person over the age of 62 years.
- (9) Certified Copies. – For furnishing a certified copy of an instrument for which no other provision is made by this section three dollars (\$3.00) for the first page, plus one dollar (\$1.00) for each additional page or fraction thereof.
- (10) Comparing Copy for Certification. – For comparing and certifying a copy of any instrument filed for registration, when the copy is furnished by the party filing the instrument for registration and at the time of filing thereof two dollars (\$2.00).
- (11) Uncertified Copies. – When, as a convenience to the public, the register of deeds supplies uncertified copies of instruments, or index pages, he may charge fees that in his discretion bear a reasonable relation to the quality of copies supplied and the cost of purchasing

and maintaining copying and/or computer equipment. These fees may be changed from time to time, but the amount of these fees shall at all times be prominently posted in his office.

- (12) Notarial acts. – For taking an acknowledgment, oath, or affirmation or performing any other notarial act the maximum fee set in G.S. 10A-10. This fee shall not be charged if the act is performed as a part of one of the services for which a fee is provided by this subsection; except that this fee shall be charged in addition to the fees for registering, filing, or recording instruments or plats as provided by subdivisions (1) and (3) of this subsection.
- (13) Uniform Commercial Code. – Such fees as are provided for in Chapter 25, Article 9, Part 4, of the General Statutes.
- (14) Torrens Registration. – Such fees as are provided in G.S. 43-5.
- (15) Master Forms. – Such fees as are provided for instruments in general.
- (16) Probate. – For certification of instruments for registration as provided in G.S. 47-14 ~~one dollar (\$1.00)~~ two dollars (\$2.00).
- (17) Qualification of Notary Public. – For administering the oaths of office to a notary public and making the appropriate record entries as provided in G.S. 10A-8 five dollars (\$5.00).
- (18) Reinstatement of Articles of Incorporation. – For filing reinstatements of Articles of Incorporation prepared pursuant to G.S. 105-232; such fees as provided for instruments in general. The fee shall be paid by the corporation affected."

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

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

Whenever any substituted trustee shall be appointed as provided in G.S. 45-10 ~~to~~ through G.S. 45-17 and such designation of such substituted trustee shall have been registered, ~~together with the certificates required in G.S. 45-10 to 45-17,~~ then it shall be the duty of the register of deeds to ~~record a separate instrument,~~ index the substitution of trustee as required by G.S. 161-14.1, indicating the place of registration of such appointment of a substituted trustee, and this shall be done as many times as a trustee may be substituted as provided for in G.S. 45-10 ~~to~~ through G.S. 45-17. Whenever practical, the register of deeds may also make an appropriate notation on the margin of the registration of the mortgage, deed of trust, or other instrument securing the payment of money. It shall be competent for the holder of such deed of trust, or deeds of trust, mortgage or mortgages, wherein the same trustee is named, to execute one instrument applying to all such deeds of trust or mortgages, in the substitution of a trustee for any of the causes set forth in G.S. 45-10, and in said instrument to recite and name the mortgages and/or deeds of trust affected by giving the names of the grantors, the trustee and, if registered, the book and page of such registration. This may be done as many times as a trustee may be substituted as provided for in G.S. 45-10 ~~to~~ through G.S. 45-17, and in which cases the register of deeds shall make, as to each recited instrument, mortgage or deed of trust, the notation provided for in this section."

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

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

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

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

In the General Assembly read three times and ratified this the 21st day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives