

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1260

Short Title: Foreclosure Filing Fees.

(Public)

Sponsors: Senators Ballantine, Rand; and Gulley.

Referred to: Finance.

May 22, 1996

A BILL TO BE ENTITLED

AN ACT TO RAISE THE FORECLOSURE FILING FEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-308(a) reads as rewritten:

"(a) The following miscellaneous fees and commissions shall be collected by the clerk of superior court and remitted to the State for the support of the General Court of Justice:

- (1) Foreclosure under power of sale in deed of trust or mortgage ~~\$25.00~~ \$30.00 ~~Plus if the property is sold pursuant to the power of sale, an additional sum of thirty cents (30¢) per one hundred dollars (\$100.00), or major fraction thereof, of the final sale price shall be collected. In no case shall the additional sum exceed two hundred dollars (\$200.00).~~ If the property is sold under the power of sale, an additional amount will be charged, determined by the following formula: thirty cents (30¢) per one hundred dollars (\$100.00), or major fraction thereof, of the final sale price. If the amount determined by the formula is less than ten dollars (\$10.00), a minimum ten dollar (\$10.00) fee will be collected. If the amount determined by the formula is more than two hundred dollars (\$200.00), a maximum two hundred dollar

- 1 (\$200.00) fee will be collected. (2) Proceeding supplemental to
2 execution 20.00
- 3 (3) Confession of judgment 15.00
- 4 (4) Taking a deposition 5.00
- 5 (5) Execution 15.00
- 6 (6) Notice of resumption of former name 5.00(7) Taking an
7 acknowledgment or administering an oath, or both, with or without seal,
8 each certificate (except that oaths of office shall be administered to
9 public officials without charge) 1.00(8) Bond, taking justification
10 or approving 5.00
- 11 (9) Certificate, under seal 2.00
- 12 (10) Exemplification of records 5.00(11) Recording or docketing
13 (including indexing) any
14 document – first page 4.00
15 – each additional page or fraction thereof .25
- 16 (12) Preparation of copies
17 – first page 1.00
18 – each additional page or fraction thereof .25
- 19 (13) Preparation and docketing of transcript of judgment 5.00
- 20 (14) Substitution of trustee in deed of trust 5.00(15) Execution of
21 passport application – the amount allowed by federal law
- 22 (16) Repealed by Session Laws 1989, c. 783, s. 2.
- 23 (17) Criminal record search except if search is requested by an agency of the
24 State or any of its political subdivisions or by an agency of the United
25 States or by a petitioner in a proceeding under Article 2 of General
26 Statutes Chapter 20 5.00(18) Filing the affirmations,
27 acknowledgments, agreements and resulting orders entered into under
28 the provisions of G.S. 110-132 and G.S. 110-133 4.00
- 29 (19) Repealed by Session Laws 1989, c. 783, s. 3."
30 Sec. 2. This act becomes effective October 1, 1996.