

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1770
Committee Substitute Favorable 5/9/07
Committee Substitute #2 Favorable 5/21/07

Short Title: Fees/Future Conveyance/Conserv. Agreements.

(Public)

Sponsors:

Referred to:

April 19, 2007

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY OF THE PARTIES TO
CONSERVATION AND PRESERVATION AGREEMENTS TO INCLUDE
PROVISIONS IN THE AGREEMENTS FOR THE PAYMENT OF FEES UPON
FUTURE CONVEYANCE OF PROPERTY SUBJECT TO THE AGREEMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 121-38 reads as rewritten:

"§ 121-38. **Validity of agreements.**

(a) No conservation or preservation agreement shall be unenforceable because of

(1) Lack of privity of estate or contract, or

(2) Lack of benefit to particular land or person, or

(3) The assignability of the benefit to another holder as defined in this
Article.

(b) ~~Such~~ These agreements are interests in land and may be acquired by any
holder in the same manner as it may acquire other interests in land.

(c) ~~Such~~ These agreements may be effective perpetually or for shorter stipulated
periods of time.

(d) ~~Such~~ These agreements may impose present, future, or continuing obligations
on either party to the agreement, or their successors, in furtherance of the purposes of
the agreement.

(e) These agreements may contain provisions which require the payment of a fee
upon a future conveyance of the property that is subject to the agreement."

SECTION 2. This act is effective when it becomes law.