

April 9, 2009

**H 1368. AMEND FUTURE ADVANCES STATUTES.** Filed 4/8/09. *TO AMEND THE FUTURE ADVANCES STATUTES, BY DISTINGUISHING BETWEEN A FUTURE ADVANCE AND A FUTURE OBLIGATION AND BY MAKING VARIOUS OTHER CHANGES.*

Amends GS 45-67 by adding the definition of a new term, *advance*. *Advance* is defined as “a disbursement of funds or other action that increases the outstanding principal balance owing on an obligation for the payment of money.” Amends GS 45-68, which sets forth the requirements for a security instrument to give priority as set forth in GS 45-70, by making a distinction between existing obligations, advances, future advances, and future obligations, and by extending the period within which future advances may be made and future obligations incurred from 15 to 30 years beyond the date of registration of the security instrument. Amends GS 45-69, which governs the fluctuation of the amounts secured by a security instrument, to include both advances and obligations. Amends GS 45-70(a) to provide that the same priority be given to future obligations, as well as future advances, as all obligations incurred at the time a security instrument was registered. Effective October 1, 2009.

**Intro. by Love.**

GS 45

May 5, 2009

**H 1368. AMEND FUTURE ADVANCES STATUTES.** Filed 4/8/09. House committee substitute makes the following changes to 1st edition. Provides that the provisions of the entire act, rather than only Section 2, apply to all security instruments registered before, after, or on the effective date of the act. For instruments registered before the effective date of the act, amended language clarifies that the instruments will be conclusively presumed to be in compliance if they comply with either the original (i.e., current) or revised versions of GS 45-68.

June 29, 2009

**SL 2009-197 (H 1368). AMEND FUTURE ADVANCES STATUTES.** *AN ACT TO AMEND THE FUTURE ADVANCES STATUTES BY DISTINGUISHING BETWEEN A FUTURE ADVANCE AND A FUTURE OBLIGATION AND BY MAKING VARIOUS OTHER CHANGES.* Summarized in *Daily Bulletin* 4/9/09 and 5/5/09. Enacted June 26, 2009. Effective October 1, 2009.