

Property, Trusts, and Estates

See full summary documents for additional detail

H151 - Vacation Rentals/Orange County Jail Construction.

Part I: Changes to the Vacation Rental Act/Summary Ejectment/Residential Rental Agreements. (SL 2016-98)

Part I of S.L. 2016-98 makes changes to the Vacation Rental Act and amends provisions of law related to summary ejectment and residential rental agreements as follows:

- Amends the Vacation Rental Act by adding definitions of terms used in the Act, clarifying when a real estate broker may deduct management fees from advanced payments, requiring landlords to provide carbon monoxide detectors in rental properties, setting out responsibilities of real estate brokers managing rental properties, and providing for early termination of vacation rental agreements when a member of the Armed Forces is deployed or relocated.
- Provides that a real estate broker or firm is not personally liable in a civil action between landlord and tenant solely because he or she fails to identify the landlord in a rental agreement.
- Provides that a landlord may charge a court-appearance fee in a successfully prosecuted summary ejectment action, but the fee is vacated if the tenant appeals the judgment.

This part became effective July 1, 2016, but does not affect any litigation pending on that date.

H567 - North Carolina Cemetery Act Changes. (SL 2016-83)

S.L. 2016-83 authorizes certain cemeteries to transfer or encumber a portion of the minimum acreage required to be held by licensed cemeteries for use as a cemetery.

This act became effective June 30, 2016.

H870 - Certificate of Title/Manufactured Home Changes. (SL 2016-59)

S.L. 2016-59 clarifies the procedure for renewing, releasing, and canceling security interests on the certificate of title for a manufactured home, and revises the cost calculation used in determining whether a lien agent must be appointed for leased real property being improved by the installation of a manufactured home.

This act has various effective dates. Please see the full summary for more detail.

H1023 - Municipal Service Districts/Statutory Changes. (SL 2016-8)

S.L. 2016-8 requires additional accounting of certain contractors of cities with respect to municipal service districts, requires that an ordinance to establish a municipal service district be adopted at two

separate meetings of the city council, and establishes a process by which property owners may petition for creation or reduction of a municipal service district. This act was recommended by the Legislative Research Commission Committee on Municipal Service Districts.

This act became effective June 1, 2016, and applies to contracts entered into on or after that date.

S19 - Uniform Recording Fees - Register of Deeds. (SL 2016-86)

S.L. 2016-86 adjusts the uniform fee for recording deeds of trust with the Register of Deeds from \$56 for 15 pages to \$64 for 35 pages. Each additional page remains \$4.

This act becomes effective October 1, 2016

S575 - North Carolina/South Carolina Original Boundary Confirmation. (SL 2016-23)

S.L. 2016-23 addresses several legal and tax issues related to the reestablishment of the original boundary line existing between North Carolina and South Carolina. North Carolina and South Carolina created a Joint Boundary Commission to relocate and reestablish their 334-mile common boundary. The Commission began its work in 1995 and completed the technical part of its work by May of 2013. For the last three years, efforts have been underway to reduce or eliminate the impact of the work on property owners whose residency or business would be moved from South Carolina to North Carolina, or vice versa, because of the reestablished boundary line. This act addresses not only the tax consequences of the reestablished boundary line but also other issues, such as public education enrollment and drivers licenses. South Carolina enacted similar legislation in June 2016: Act 270, Ratified 292, and Senate Bill 667.

This act became effective June 22, 2016. It is anticipated that the process to complete the reestablishment of the boundary line will be completed by the end of this calendar year. The boundary must be approved by the Governor and the Council of State before the Governor may issue a proclamation declaring the reestablished line as the true boundary line between North Carolina and South Carolina.

S600 - Appraiser Compensation/Judge Perform Marriage. (SL 2016-61)

S.L. 2016-61 amends the law as follows:

- Requires appraisal management companies to pay appraisers customary and reasonable fees in a manner consistent with federal law.
- Authorized a Justice of the United States Supreme Court or a Judge of the United States Court of Appeals to perform a marriage in North Carolina between July 2, 2016, and July 5, 2016.

The provisions related to appraisal management companies, become effective January 1, 2017. The provisions related to solemnization of marriage, became effective July 2, 2016, and expired July 5, 2016.

S805 - Fiduciary Access to Digital Assets. (SL 2016-53)

S.L. 2016-53 enacts a new Chapter in the General Statutes establishing the Revised Uniform Fiduciary Access to Digital Assets Act. This Act creates a process for disclosure of a user's digital assets to a fiduciary, personal representative, guardian or trustee.

This act became effective June 30, 2016.