

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 674

Short Title: Permanent Curative Statute-Seals.

(Public)

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Sponsors: Representative Arnold.

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Referred to: Judiciary I.

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March 31, 1997

A BILL TO BE ENTITLED

AN ACT TO MAKE PERMANENT THE CURATIVE STATUTE ON LAND  
TRANSFER DOCUMENTS FILED WITHOUT THE WORD "SEAL" AND TO  
MAKE OTHER CHANGES TO THE VALIDATION OF SOME RECORDED  
INSTRUMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 47-108.11 reads as rewritten:

**"§ 47-108.11. Validation of recorded instruments where seals have been omitted.**

~~In all cases of any deed, deed of trust, mortgage, lien or other instrument authorized or required to be registered in the office of the register of deeds of any county in this State where it appears of record or it appears that from said instrument, as recorded in the office of the register of deeds of any county in the State, there has been omitted from said recorded or registered instrument the word "seal," "notarial seal" and that any of said recorded or registered instruments shows or recites that the grantor or grantors "have hereunto fixed or set their hands and seals" and the signature of the grantor or grantors appears without a seal thereafter or on the recorded or registered instrument or in all cases where it appears there is an attesting clause which recites "signed, sealed and delivered in the presence of," and the signature of the grantor or grantors appears on the recorded or registered instrument without any seal appearing thereafter or of record, then all such deeds, mortgages, deeds of trust, liens or other instruments, and the registration~~

1 ~~of same in the office of the register of deeds, are hereby declared to be in all respects~~  
2 ~~valid and binding and are hereby made in all respects valid and binding to the same~~  
3 ~~extent as if the word "seal" or "notarial seal" had not been omitted, and the registration and~~  
4 ~~recording of such instruments in the office of the register of deeds in any county in this~~  
5 ~~State are hereby declared to be valid, proper, legal and binding registrations.~~

6 In all cases of any deed, deed of trust, mortgage, lien or other instrument authorized or  
7 required to be registered in the office of the register of deeds of any county in the State  
8 wherein it appears of record or it appears from said instrument, that there has been  
9 omitted from said instrument recorded or registered in the office of the register of deeds  
10 of any county of this State that the word 'seal', 'notarial seal', the words 'that the grantor  
11 or grantors have hereunto fixed or set their hands and seals', or the attesting clause omits  
12 to recite in substance that the instrument has been 'signed, sealed, and delivered' then all  
13 such deeds, mortgages, deeds of trust, liens or other instruments, and the registration of  
14 same in the office of the register of deeds, are hereby declared to be valid and binding  
15 and are hereby made in all respects valid and binding with the same effect and to the  
16 same extent as if the word 'seal', 'notarial seal', the words 'that the grantor or grantors  
17 have hereunto fixed or set their hands and seals' and the attesting clause recited in  
18 substance that the instrument has been 'signed, sealed, and delivered' had been set forth  
19 and the registration and recording of such instruments in the office of the register of  
20 deeds in any county of this State are hereby declared to be valid, proper, legal and  
21 binding registrations.

22 ~~This section shall not apply in any respect to any instrument recorded or registered~~  
23 ~~subsequent to January 1, 1995 or to pending litigation or to any such instruments now~~  
24 ~~directly or indirectly involved in pending litigation.~~ litigation, but otherwise shall have  
25 both retrospective and prospective applications."

26 Section 2. This act is effective when it becomes law.