

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE DRH80082-LMf-37 (02/10)

Short Title: Register of Deeds/Fees. (Public)

Sponsors: Representatives Howard, West, Rapp, and Wilkins (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO SIMPLIFY THE FEES CHARGED FOR REGISTERING INSTRUMENTS
3 WITH A REGISTER OF DEEDS IN THIS STATE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 161-10 reads as rewritten:

6 "§ 161-10. Uniform fees of registers of deeds.

7 (a) Except as otherwise provided in this Article, all fees collected under this section
8 shall be deposited into the county general fund. While performing the duties of the office, the
9 register of deeds shall collect the following fees which shall be uniform throughout the State:

10 (1) Instruments in General. – For registering or filing any instrument for which
11 no other provision is made by this section, ~~whether written, printed, or~~
12 ~~typewritten~~, the fee shall be ~~twelve dollars (\$12.00)~~ thirty dollars (\$30.00)
13 for the first ~~page~~ 15 pages plus ~~three dollars (\$3.00)~~ five dollars (\$5.00) for each
14 additional page or fraction thereof.

15 When a subsequent instrument, as defined in G.S. 161-14.1(a)(3), is
16 presented for registration with reference to more than one original
17 instrument for which recording data are required to be indexed pursuant to
18 G.S. 161-14.1(b), the fee shall be an additional twenty-five dollars (\$25.00)
19 for each additional reference.

20 When a document is presented for registration that consists of multiple
21 instruments, the fee shall be an additional ten dollars (\$10.00) for each
22 additional instrument. A document consists of multiple instruments when it
23 contains two or more instruments with different legal consequences or
24 intent, each of which is separately executed and acknowledged and could be
25 recorded alone.

26 (1a) ~~Deeds of Trust, Mortgages, and Cancellation of Deeds of Trust and~~
27 ~~Mortgages.~~ For registering or filing any deed of trust or mortgage, whether
28 written, printed, or typewritten, the fee shall be ~~twenty-eight dollars (\$28.00)~~
29 for the first ~~page~~ plus ~~three dollars (\$3.00)~~ for each additional page or
30 fraction thereof.

31 ~~When a deed of trust or mortgage is presented for registration that~~
32 ~~contains one or more additional instruments, the fee shall be ten dollars~~
33 ~~(\$10.00) for each additional instrument. A deed of trust or mortgage contains~~
34 ~~one or more additional instruments if such additional instrument or~~



instruments has or have different legal consequences or intent, each of which is separately executed and acknowledged and could be recorded alone.

For recording records of satisfaction, or the cancellation of record by any other means, of deeds of trust or mortgages, there shall be no fee.

...
(16) Probate.—For verification of proofs and acknowledgements as provided in G.S. 47-14 two dollars (\$2.00).

...."

SECTION 2. G.S. 161-11.4 is repealed.

SECTION 3. G.S. 161-11.5 reads as rewritten:

"§ 161-11.5. Fees for General Fund support to be remitted to State Treasurer.

Five dollars (\$5.00) of each the fee collected by the register of deeds for registering or filing a deed of trust or mortgage pursuant to G.S. 161-10(a)(1a) an instrument shall be remitted by the register of deeds to the county finance officer, who shall remit the funds to the State Treasurer to be directed and credited as follows: (i) fifty percent (50%) to the Department of Crime Control and Public Safety to be credited to the Floodplain Mapping Fund established under G.S. 143-215.56A; (ii) twenty-five percent (25%) to the Department of Cultural Resources for the purpose of offsetting the costs of the Archives and Records Management Program; and (iii) twenty-five percent (25%) to the General Fund as nontax revenue. The county finance officer shall remit the funds to the State Treasurer on a monthly basis."

SECTION 4. G.S. 161-11.6 is repealed.

SECTION 5. This act becomes effective October 1, 2011, and applies to instruments registered on and after that date.