

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 709

Short Title: Solicitation for Copies/Reg. of Deeds Fees. (Public)

Sponsors: Representatives Jordan, Stevens, and Howard (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary II, if favorable, Finance

April 11, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE THE SOLICITATION OF A FEE IN EXCHANGE FOR COPIES
3 OF RECORDED DOCUMENTS AND TO CLARIFY THE FEES CHARGED BY THE
4 REGISTER OF DEEDS FOR RECORDING INSTRUMENTS SUBSEQUENT TO
5 DEEDS OF TRUST AND MORTGAGES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 1 of Chapter 75 of the General Statutes is amended by adding
8 a new section to read:

9 "**§ 75-43. Solicitation of a fee for copy of recorded documents.**

10 (a) Any person, firm, or corporation soliciting a fee in exchange for providing a copy of
11 a record available at the register of deeds office shall state on the top of the document used for
12 the solicitation, in conspicuous type, all of the following:

13 (1) That the solicitation is not from a State agency or a local unit of government.

14 (2) That no action is legally required by the person being solicited.

15 (3) The fee for obtaining a copy of the record directly from the register of deeds
16 that has custody of the record.

17 (4) The information necessary to contact the register of deeds that has custody
18 of the record.

19 (5) The name and physical address of the person, firm, or corporation soliciting
20 the fee.

21 (b) A document used for a solicitation governed by this section shall not contain
22 deadline dates or be in a form or contain language designed to make the document appear to be
23 issued by a State agency or local unit of government or to appear to impose a legal duty on the
24 person being solicited.

25 (c) A person, firm, or corporation soliciting a fee in exchange for providing a copy of a
26 record may not charge a fee that is greater than four times the amount the register of deeds with
27 custody of the record would charge for a copy of the same record.

28 (d) A violation of this section constitutes an unfair trade practice under G.S. 75-1.1 and
29 is subject to all of the enforcement and penalty provisions under this Article.

30 (e) For the purposes of this section, the term "solicit" means to advertise or market to a
31 person with whom the solicitor has no preexisting business relationship."

32 **SECTION 2.** G.S. 161-10 reads as rewritten:

33 "**§ 161-10. Uniform fees of registers of deeds.**



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

4 (1) Instruments in General. – For registering or filing any instrument for which
 5 no other provision is made by this section, the fee shall be twenty-six dollars
 6 (\$26.00) for the first 15 pages plus four dollars (\$4.00) for each additional
 7 page or fraction thereof.

8 For any instrument that assigns more than one security instrument as
 9 defined in G.S. 45-36.4(18) by reference to previously recorded instrument
 10 recording data that are required to be indexed pursuant to G.S. 161-14.1(b),
 11 the fee shall be an additional ten dollars (\$10.00) for each additional
 12 reference.

13 For an instrument that contains excessive recording data, the fee shall be
 14 an additional two dollars (\$2.00) for each party listed in the instrument in
 15 excess of 20. An instrument contains excessive recording data when there
 16 are more than 20 distinct parties listed in the instrument, including any
 17 attachments and exhibits, that require indexing pursuant to G.S. 147-54.3 or
 18 this Chapter.

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

25 (1a) Deeds of Trust, Mortgages, and Cancellation of Deeds of Trust and
 26 Mortgages. – For registering or filing any deed of trust or mortgage the fee
 27 shall be sixty-four dollars (\$64.00) for the first 35 pages plus four dollars
 28 (\$4.00) for each additional page or fraction thereof.

29 When a deed of trust or mortgage is presented for registration that
 30 contains one or more additional instruments, the fee shall be ten dollars
 31 (\$10.00) for each additional instrument. A deed of trust or mortgage contains
 32 one or more additional instruments if such additional instrument or
 33 instruments has or have different legal consequences or intent, each of which
 34 is separately executed and acknowledged and could be recorded alone.

35 ~~For There shall be no fee for recording records of satisfaction, or the~~
 36 ~~cancellation of record by any other means, of deeds of trust or mortgages,~~
 37 ~~there shall be no fee. mortgages. In all other cases, the fees set forth in~~
 38 ~~subdivision (1) of subsection (a) of this section shall apply to the registration~~
 39 ~~or filing of any subsequent instrument that relates to a previously recorded~~
 40 ~~deed of trust or mortgage.~~

41 ...

42 (d) For the purposes of this section, the term "subsequent instrument" has the same
 43 meaning as set forth in G.S. 161-14.1(a)(3)."

44 **SECTION 3.** G.S. 161-14.1 reads as rewritten:

45 **"§ 161-14.1. Recording subsequent entries as separate instruments.**

46 (a) As used in this section, the following terms mean:

47 ...

48 (3) Subsequent instrument. – Any instrument presented for registration that
 49 indicates in its title or within the first two pages of its text that it is intended
 50 or purports to modify, amend, supplement, assign, satisfy, terminate, revoke,

1 or cancel a previously registered instrument. Examples of subsequent
2 instruments include the following:
3 ...
4 i. An amendment or modification ~~agreement~~ agreement or an amended
5 and restated instrument.
6"

7 **SECTION 4.** Section 1 of this act becomes effective July 1, 2017. The remainder
8 of this act becomes effective October 1, 2017, and applies to instruments submitted for
9 registration on or after that date.