

NORTH CAROLINA GENERAL ASSEMBLY  
1967 SESSION

CHAPTER 765  
HOUSE BILL 540

1 AN ACT TO AMEND THE PROVISIONS OF G.S. 45-37 RELATING TO THE  
2 DISCHARGE OF RECORD OF MORTGAGES AND DEEDS OF TRUST.

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4 The General Assembly of North Carolina do enact:  
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6 **Section 1.** G.S. 45-37 is hereby amended by changing the period at the end of  
7 paragraph numbered 1, to a semicolon, and adding thereto the following: "Provided, however,  
8 that in those counties in which deeds of trust and mortgages are recorded in the offices of the  
9 register of deeds by a microphotographic process or by any other method of process which  
10 renders impractical or impossible the subsequent entering of marginal notations upon the  
11 records of instruments, the trustee or mortgagee or his or her legal representative, or the duly  
12 authorized agent or attorney of such trustee, mortgagee or legal representative must also present  
13 to the register of deeds or his deputy a document or instrument constituting a notice of  
14 satisfaction and containing the information set out in the provisions of G.S. 45-37.2, which  
15 notice of satisfaction must be signed by the trustee, mortgagee, legal representative or attorney,  
16 and witnessed by the register or his deputy, who shall also affix his name thereto, and which  
17 shall be recorded in accordance with law."

18 **Sec. 2.** G.S. 45-37 is hereby further amended by adding to paragraph number 2, at  
19 the end thereof, the following: "Provided, however, that in any county in which deeds of trust  
20 and mortgages or other instruments intended to secure the payment of money are recorded in  
21 the office of the register of deeds by microphotographic process or by any other method of  
22 process which renders impractical or impossible the subsequent entering of marginal notations  
23 upon the records of instruments, the register of deeds shall, in lieu of cancelling the mortgage  
24 or other entry by an entry of satisfaction on the margin of the record, require the person  
25 exhibiting such instruments to also sign a notice of satisfaction sufficient to comply with the  
26 provisions of G.S. 45-37.2, which said notice of satisfaction is to be recorded and indexed in  
27 accordance with law."

28 **Sec. 3.** Paragraph numbered 3 of G.S. 45-37 is hereby further amended by adding a  
29 new sentence at the end thereof to read as follows: "Provided, however, that in any county in  
30 which deeds of trust and mortgages and other instruments intended to secure the payment of  
31 money are recorded in the office of the register of deeds by microphotographic process or by  
32 any other method of process which renders impractical or impossible the subsequent entering  
33 of marginal notations upon the records of instruments, the register of deeds shall, in lieu of  
34 making an entry of cancellation in satisfaction on the margin of the record, require the  
35 presentation for recordation of a notice of satisfaction sufficient to comply with the provisions  
36 of G.S. 45-37.2."

37 **Sec. 4.** Paragraph numbered 4 of G.S. 45-37 is hereby further amended by adding a  
38 new sentence thereto to read as follows: "Provided, however, that in any county in which deeds  
39 of trust and mortgages are recorded in the office of the register of deeds by microphotographic  
40 process or by any other method of process which renders impractical or impossible the  
41 subsequent entering of marginal notations upon the records of instruments, the register of  
42 deeds, in lieu of making notices of satisfaction and cancellation upon the recorded instruments,

1 shall require the submission for recordation of a notice of satisfaction sufficient to comply with  
2 the provisions of G.S. 45-37.2."

3 **Sec. 5.** G.S. 45-37 is hereby further amended by adding a new sentence at the end  
4 thereof to read as follows: "Provided, however, that in any county in which deeds of trust and  
5 mortgages are recorded in the office of the register of deeds by microphotographic process or  
6 by any other method of process which renders impractical or impossible the subsequent  
7 entering of marginal notations upon the records of instruments, it shall not be necessary for the  
8 register of deeds, upon recording such affidavit, to refer on the margin of the record of the  
9 instrument referred to therein the fact of the filing of such affidavit, and a reference to the book  
10 and page where it is recorded."

11 **Sec. 6.** G.S. 45-37.2 is hereby amended by deleting the last sentence thereof.

12 **Sec. 7.** All laws and clauses of laws in conflict with this Act are hereby repealed.

13 **Sec. 8.** This Act shall be in full force and effect from and after its ratification.

14 In the General Assembly read three times and ratified, this the 13th day of June,  
15 1967.