

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 924

Short Title: Change Register of Deeds Fees.

(Public)

Sponsors: Senator Hyde.

Referred to: Finance.

April 20, 1993

A BILL TO BE ENTITLED

AN ACT TO RAISE THE FEES CHARGED BY REGISTERS OF DEEDS FOR THE RECORDING OF INSTRUMENTS AND FOR THE PROBATE OF INSTRUMENTS, TO PROVIDE THAT REGISTERS OF DEEDS SHALL NOT CHARGE A FEE FOR RECORDING THE SATISFACTION OF MORTGAGES AND DEEDS OF TRUST, AND TO REMOVE THE REQUIREMENT THAT SUBSTITUTIONS OF TRUSTEES BE RECORDED AS SEPARATE INSTRUMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 161-10(a) reads as rewritten:

"(a) Except as provided in G.S. 161-11.1 or 161-11.2, all fees collected under this section shall be deposited into the county general fund. In the performance of his duties, the register of deeds shall collect the following fees which shall be uniform throughout the State:

- (1) Instruments in General. - For registering or filing any instrument for which no other provision is made by this section, whether written, printed, or typewritten, the fee shall be ~~five-six~~ six dollars ~~(\$5.00)~~ (\$6.00) for the first page, which page shall not exceed 8 1/2 inches by 14 inches, plus two dollars (\$2.00), for each additional page or fraction thereof. A page exceeding 8 1/2 inches by 14 inches shall be considered two pages.

When a document is presented for registration that consists of multiple instruments, the fee shall be ten dollars (\$10.00) for each additional instrument. A document consists of multiple instruments

1 when it contains two or more instruments with different legal
2 consequences or intent, each of which is separately executed and
3 acknowledged and could be recorded alone.

- 4 (1a) Records of Satisfaction. – For recording records of satisfaction of
5 deeds of trust and mortgages as described in G.S. 45-37.2 – No fee.
- 6 (2) Marriage Licenses. – For issuing a license forty dollars (\$40.00); for
7 issuing a delayed certificate with one certified copy five dollars
8 (\$5.00); and for a proceeding for correction of names in application,
9 license or certificate, with one certified copy five dollars (\$5.00).
- 10 (3) Plats. – For each original or revised plat recorded nineteen dollars
11 (\$19.00); for furnishing a certified copy of a plat three dollars (\$3.00).
- 12 (4) Right-of-Way Plans. – For each original or amended plan and profile
13 sheet recorded five dollars (\$5.00). This fee is to be collected from the
14 Board of Transportation.
- 15 (5) Registration of Birth Certificate One Year or More after Birth. – For
16 preparation of necessary papers when birth to be registered in another
17 county five dollars (\$5.00); for registration when necessary papers
18 prepared in another county, with one certified copy five dollars
19 (\$5.00); for preparation of necessary papers and registration in the
20 same county, with one certified copy ten dollars (\$10.00).
- 21 (6) Amendment of Birth or Death Record. – For preparation of
22 amendment and affecting correction two dollars (\$2.00).
- 23 (7) Legitimations. – For preparation of all documents concerned with
24 legitimations seven dollars (\$7.00).
- 25 (8) Certified Copies of Birth and Death Certificates and Marriage
26 Licenses. – For furnishing a certified copy of a death or birth
27 certificate or marriage license three dollars (\$3.00). Provided however,
28 a Register of Deeds may issue without charge a certified Birth
29 Certificate to any person over the age of 62 years.
- 30 (9) Certified Copies. – For furnishing a certified copy of an instrument for
31 which no other provision is made by this section three dollars (\$3.00)
32 for the first page, plus one dollar (\$1.00) for each additional page or
33 fraction thereof.
- 34 (10) Comparing Copy for Certification. – For comparing and certifying a
35 copy of any instrument filed for registration, when the copy is
36 furnished by the party filing the instrument for registration and at the
37 time of filing thereof two dollars (\$2.00).
- 38 (11) Uncertified Copies. – When, as a convenience to the public, the
39 register of deeds supplies uncertified copies of instruments, or index
40 pages, he may charge fees that in his discretion bear a reasonable
41 relation to the quality of copies supplied and the cost of purchasing
42 and maintaining copying and/or computer equipment. These fees may
43 be changed from time to time, but the amount of these fees shall at all
44 times be prominently posted in his office.

- 1 (12) Notarial acts. – For taking an acknowledgment, oath, or affirmation or
 2 performing any other notarial act the maximum fee set in G.S. 10A-10.
 3 This fee shall not be charged if the act is performed as a part of one of
 4 the services for which a fee is provided by this subsection; except that
 5 this fee shall be charged in addition to the fees for registering, filing, or
 6 recording instruments or plats as provided by subdivisions (1) and (3)
 7 of this subsection.
- 8 (13) Uniform Commercial Code. – Such fees as are provided for in Chapter
 9 25, Article 9, Part 4, of the General Statutes.
- 10 (14) Torrens Registration. – Such fees as are provided in G.S. 43-5.
- 11 (15) Master Forms. – Such fees as are provided for instruments in general.
- 12 (16) Probate. – For certification of instruments for registration as provided
 13 in G.S. 47-14 ~~one dollar (\$1.00).~~ two dollars (\$2.00).
- 14 (17) Qualification of Notary Public. – For administering the oaths of office
 15 to a notary public and making the appropriate record entries as
 16 provided in G.S. 10A-8 ~~five dollars (\$5.00).~~
- 17 (18) Reinstatement of Articles of Incorporation. – For filing reinstatements
 18 of Articles of Incorporation prepared pursuant to G.S. 105-232; such
 19 fees as provided for instruments in general. The fee shall be paid by
 20 the corporation affected."

21 Sec. 2. G.S. 45-16 reads as rewritten:

22 **"§ 45-16. Register of deeds to make marginal entry of substituted trustee.**

23 ~~Whenever~~ Notwithstanding the provisions of G.S. 161-14.1, whenever any substituted
 24 trustee shall be appointed as provided in G.S. 45-10 to 45-17 and such designation of
 25 such substituted trustee shall have been registered, together with the certificates required
 26 in G.S. 45-10 to 45-17, then it shall be the duty of the register of deeds to ~~record a~~
 27 ~~separate instrument, as required by G.S. 161-14.1,~~ make an appropriate notation on the
 28 margin of the registration of the mortgage, deed of trust, or other instrument securing
 29 the payment of money, indicating the place of registration of such appointment of a
 30 substituted trustee, and this shall be done as many times as a trustee may be substituted
 31 as provided for in G.S. 45-10 to 45-17. ~~Whenever practical, the register of deeds may also~~
 32 ~~make an appropriate notation on the margin of the registration of the mortgage, deed of trust, or~~
 33 ~~other instrument securing the payment of money.~~ It shall be competent for the holder of
 34 such deed of trust, or deeds of trust, mortgage or mortgages, wherein the same trustee is
 35 named, to execute one instrument applying to all such deeds of trust or mortgages, in
 36 the substitution of a trustee for any of the causes set forth in G.S. 45-10, and in said
 37 instrument to recite and name the mortgages and/or deeds of trust affected by giving the
 38 names of the grantors, the trustee and, if registered, the book and page of such
 39 registration. This may be done as many times as a trustee may be substituted as
 40 provided for in G.S. 45-10 to 45-17, and in which cases the register of deeds shall make,
 41 as to each recited instrument, mortgage or deed of trust, the notation provided for in this
 42 section."

43 Sec. 3. This act becomes effective July 1, 1993, and applies to fees collected
 44 and entries made on or after that date.