

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE DRH50310-LM-94 (03/11)

Short Title: Hyde County Mineral Rights.

(Local)

Sponsors: Representative Spear.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXTINGUISH ANCIENT MINERAL CLAIMS IN HYDE COUNTY.  
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Article 4 of Chapter 1 of the General Statutes is amended by adding a  
5 new section to read as follows:

6 "**§ 1-42.9A. Ancient mineral claims extinguished in Hyde County; oil, gas, and mineral**  
7 **interests to be recorded and listed for taxation.**

8 (a) Where it appears on the public records that the fee simple title to any oil, gas, or  
9 mineral interests in an area of land has been severed or separated from the surface fee simple  
10 ownership of the land and the interest is not in actual course of being mined, drilled, worked, or  
11 operated, or in the adverse possession of another, and that the record titleholder of the oil, gas,  
12 or mineral interests has not listed the same for ad valorem tax purposes in the county in which  
13 the same is located for a period of five years prior to January 1, 2009, any person, having the  
14 legal capacity to own land in this State, who has on October 1, 2009, an unbroken chain of title  
15 of record to the surface estate of the area of land for at least 30 years and provided the surface  
16 estate is not in the adverse possession of another, shall be deemed to have a marketable title to  
17 the fee estate as provided in the succeeding subsections of this section, subject to the interests  
18 and defects as are inherent in the provisions and limitations contained in the muniments of  
19 which the chain of record is formed.

20 (b) This marketable title shall be held by the person and shall be taken by the person's  
21 successors in interest free and clear of any and all fee simple oil, gas, or mineral interests in the  
22 area of land founded upon any reservation or exception contained in an instrument conveying  
23 the surface estate in fee simple that was executed or recorded at least 30 years or more prior to  
24 October 1, 2009, and the oil, gas, or mineral interests are hereby declared to be null and void  
25 and of no effect whatever at law or in equity. However, any fee simple oil, gas, or mineral  
26 interests may be preserved and kept effective by recording within two years after October 1,  
27 2009, a notice in writing duly sworn to and subscribed before an official authorized to take  
28 probate by G.S. 47-1, which sets forth the nature of the oil, gas, or mineral interests and gives  
29 the book and page where recorded. This notice shall be probated as required for registration of  
30 instruments by G.S. 47-14 and recorded in the office of the register of deeds of the county  
31 wherein the area of land, or any part thereof, lies and in the book therein kept or provided under  
32 the terms of G.S. 1-42 for the purpose of recording certain severances of surface and subsurface  
33 land rights and shall state the name and address of the claimant and, if known, the name of the  
34 surface owner and also contain either a description of the area of land involved as to make the  
35 property readily located thereby or due incorporation by reference of the recorded instrument



1 containing the reservation or exception of the oil, gas, or mineral interests. The notice may be  
2 made and recorded by the claimant, by any person authorized by the claimant to act on the  
3 claimant's behalf, or by any person acting on behalf of any claimant who is under a disability,  
4 unable to assert a claim on his or her own behalf, or one of a class whose identity cannot be  
5 established or is uncertain at the time of filing the notice of claim for record.

6 (c) This section shall be construed to effect the legislative purpose of facilitating land  
7 title transactions by extinguishing certain ancient oil, gas, or mineral claims unless preserved  
8 by recording as provided in this section. The oil, gas, or mineral claims hereby extinguished  
9 shall include those of persons whether within or without the State, and whether natural or  
10 corporate, but shall exclude governmental claims, State or federal, and all such claims by  
11 reason of unexpired oil, gas, or mineral leases.

12 (d) Within two years from October 1, 2009, all oil, gas, or mineral interests in lands  
13 severed or separated from the surface fee simple ownership and forfeitable under the terms of  
14 subsection (b) of this section must be listed for ad valorem taxes, and notice of this interest  
15 must be filed in writing in the manner provided by subsection (b) of this section and recorded  
16 in the local registry in the book provided by G.S. 1-42 to be effective against the surface fee  
17 simple owner or creditors, purchasers, heirs, or assigns of the owner. Subsurface oil, gas, and  
18 mineral interests shall be assessed for ad valorem taxes as real property and the taxes shall be  
19 collected and foreclosed in the manner authorized by Chapter 105 of the General Statutes.

20 (e) The board of county commissioners shall publish a notice of this section in a  
21 newspaper published in the county or having general circulation in the county once a week for  
22 four consecutive weeks prior to October 1, 2009.

23 (f) This section applies to Hyde County only."

24 **SECTION 2.** This act is effective when it becomes law.