

GENERAL ASSEMBLY OF NORTH CAROLINA  
1989 SESSION

CHAPTER 523  
SENATE BILL 265

AN ACT CONCERNING RECORDING OF 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. 130-40 or G.S. 161-11.1, 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 dollars (\$5.00) 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.

~~If When a document is presented for registration, or filing, registration that consists of two or more instruments and the first page of the document shows the title of each instrument contained in the document, multiple instruments, the fee shall be ten dollars (\$10.00) for each additional instrument. The register of deeds shall not be required to index any instrument that is a part of a document containing multiple instruments unless the title of that instrument is shown on the first page of the document.—A document consists of multiple instruments when it contains two or more instruments with different legal consequences or intent, each of which could be registered or filed alone. is separately executed and acknowledged and could be recorded alone.~~

- (2) Marriage Licenses. – For issuing a license – twenty dollars (\$20.00); for issuing a delayed certificate with one certified copy – five dollars (\$5.00); and for a proceeding for correction of names in application, license or certificate, with one certified copy – five dollars (\$5.00).
- (3) Plats. – For each original or revised plat recorded – nineteen dollars (\$19.00); for furnishing a certified copy of a plat – three dollars (\$3.00).
- (4) Right-of-Way Plans. – For each original or amended plan and profile sheet recorded – five dollars (\$5.00). This fee is to be collected from the Board of Transportation.

- (5) Registration of Birth Certificate One Year or More after Birth. –For preparation of necessary papers when birth to be registered in another county – five dollars (\$5.00); for registration when necessary papers prepared in another county, with one certified copy – five dollars (\$5.00); for preparation of necessary papers and registration in the same county, with one certified copy – ten dollars (\$10.00).
- (6) Amendment of Birth or Death Record. – For preparation of amendment and affecting correction – two dollars (\$2.00).
- (7) Legitimations. – For preparation of all documents concerned with legitimations – seven dollars (\$7.00).
- (8) Certified Copies of Birth and Death Certificates and Marriage Licenses. – For furnishing a certified copy of a death or birth certificate or marriage license – three dollars (\$3.00). Provided however, a Register of Deeds may issue without charge a certified Birth Certificate to any person over the age of ~~65~~62 years.
- (9) Certified Copies. – For furnishing a certified copy of an instrument for which no other provision is made by this section – three dollars (\$3.00) for the first page, plus one dollar (\$1.00) for each additional page or fraction thereof.
- (10) Comparing Copy for Certification. – For comparing and certifying a copy of any instrument filed for registration, when the copy is furnished by the party filing the instrument for registration and at the time of filing thereof – two dollars (\$2.00).
- (11) Uncertified Copies. – When, as a convenience to the public, the register of deeds supplies uncertified copies of instruments, or index pages, he may charge fees that in his discretion bear a reasonable relation to the quality of copies supplied and the cost of purchasing and maintaining copying and/or computer equipment. These fees may be changed from time to time, but the amount of these fees shall at all times be prominently posted in his office.
- (12) Acknowledgment. – For taking an acknowledgment, oath, or affirmation or for the performance of any notarial act – one dollar (\$1.00). This fee shall not be charged if the act is performed as a part of one of the services for which a fee is provided by this subsection; except that this fee shall be charged in addition to the fees for registering, filing or recording instruments or plats as provided by subdivisions (1) and (3) of this subsection.
- (13) Uniform Commercial Code. – Such fees as are provided for in Chapter 25, Article 9, Part 4, of the General Statutes.
- (14) Torrens Registration. – Such fees as are provided in G.S. 43-5.
- (15) Master Forms. – Such fees as are provided for instruments in general.
- (16) Probate. – For certification of instruments for registration as provided in G.S. 47-14 – one dollar (\$1.00).

- (17) Qualification of Notary Public. – For administering the oaths of office to a notary public and making the appropriate record entries as provided in G.S. 10-2 – five dollars (\$5.00).
- (18) Reinstatement of Articles of Incorporation. – For filing reinstatements of Articles of Incorporation prepared pursuant to G.S. 105-232; such fees as provided for instruments in general. The fee shall be paid by the corporation affected."

Sec. 2. G.S. 161-22(a) reads as rewritten:

"(a) The register of deeds shall provide and keep in her or his office full and complete alphabetical indexes of the names of the parties to all liens, grants, deeds, mortgages, bonds, and other instruments required or authorized to be registered, and such indexes shall state in full the names of all parties, whether grantors, grantees, vendors, vendees, obligors, or obligees. Reference shall be made, opposite each name, to the book and page or other location where the instrument is registered. All instruments shall be indexed on either the temporary or permanent index within 24 hours of registration. The register of deeds shall not be required to index an instrument that is part of a document containing multiple instruments, as defined in G.S. 161-10(a)(1), unless the title of that instrument is shown on the first page of the document and the additional registration fee is paid as required by G.S. 161-10(a)(1)."

Sec. 3. G.S. 25-9-401(5) reads as rewritten:

"(5) A filing which is made in the proper place in this State prior to January 1, 1985, continues to be effective even though under this section the place of filing has been changed. The effectiveness of any financing statement or continuation statement filed prior to January 1, 1985, may be continued by a continuation statement or amended as permitted by the Uniform Commercial Code, except that if this section requires a filing in an office where there was no previous financing statement, a new financing statement meeting the requirements of this section shall be filed in that office. Such new financing statement operating as a continuation statement may be filed within six months before the perfection of the security interest would otherwise lapse. Any such financing statement may be signed by either the debtor or the secured party. It shall identify the original financing statement and any amendment or continuation thereof, state the office where and the date when each filing was made, and state the filing number ~~thereof~~ thereof and also by the most current file number if any continuation was filed."

Sec. 4. G.S. 25-9-403(3) reads as rewritten:

"(3) A continuation statement may be filed by the secured party within six months prior to the expiration of the five-year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and also by the most current file number if any continuation was filed and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of G.S. 25-9-405, including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the original

statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it immediately if he has retained a microfilm or other photographic record, or in other cases after one year after the lapse. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statements or other related filings, or by other means, that if he physically destroys the financing statements of a period more than five years past, those which have been continued by a continuation statement or which are still effective under subsection (6) shall be retained. Any continuation statement which is not filed in accordance with the requirements set forth herein and during the stated time periods set forth above shall be invalid."

Sec. 5. G.S. 25-9-404(1) reads as rewritten:

"(1) If a financing statement covering consumer goods is filed on or after July 1, 1976, then within one month or within 10 days following written demand by the debtor after there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must file with each filing officer with whom the financing statement was filed a termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by file ~~number.~~number and also by the most current file number if any continuation was filed. In other cases whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must on written demand by the debtor send the debtor, for each filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by file ~~number.~~number and also by the most current file number if any continuation was filed. A termination statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of G.S. 25-9-405, including payment of the required fee. If the affected secured party fails to file such a termination statement as required by this subsection, or to send such a termination statement within 10 days after proper demand therefor, he shall be liable to the debtor for one hundred dollars (\$100.00), and in addition for any loss caused to the debtor by such failure."

Sec. 6. G.S. 25-9-405(2) reads as rewritten:

"(2) A secured party may assign of record all or part of his rights under a financing statement by the filing in the place where the original financing statement was filed of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and also the most current file number if it has been continued and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a

separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. He shall note the assignment on the Uniform Commercial Code index of the financing statement, and in the case of a fixture filing, or a filing covering timber to be cut, or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of G.S. 25-9-103, he shall index in the real estate index the assignment under the name of the assignor as grantor and, to the extent that the law of this State provides for indexing the assignment of a mortgage under the name of the assignee, he shall index the assignment of the financing statement under the name of the assignee. The uniform fee for filing, indexing, and furnishing filing data about such a separate statement of assignment is eight dollars (\$8.00). Notwithstanding the provisions of this subsection, an assignment of record of a security interest in a fixture contained in a mortgage effective as a fixture filing (subsection (6) of G.S. 25-9-402) may be made only by an assignment of the mortgage in the manner provided by the law of the State other than this Chapter."

Sec. 7. G.S. 25-9-402(5) reads as rewritten:

"(5) A financing statement covering timber to be cut or covering minerals ~~or~~ the like (including oil and gas) or accounts subject to subsection (5) of G.S. 25-9-103, or a financing statement filed as a fixture filing (G.S. 25-9-313) must contain a description of the real estate. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of a record owner. A financing statement filed as a fixture filing (G.S. 25-9-313) ~~must bear the statement "Collateral is or includes fixtures" or its substantial equivalent or have checked the appropriate box identifying "FIXTURES."~~ If a copy of a security agreement is filed as a financing statement, as authorized by G.S. 25-9-402, to perfect security interests in fixtures, the secured party or other filer shall stamp or print conspicuously on the face of the first page of such copy the legend "Collateral is or includes fixtures." on a form shall have the appropriate box checked to indicate that the collateral is, or includes, fixtures. If (a) a copy of a security agreement is filed as a financing statement, as authorized by G.S. 25-9-402, or (b) a nonstandard form is filed, to perfect security interests in fixtures, the secured party or other filer shall attach thereto a form financing statement with the appropriate block checked to indicate that the collateral is, or includes, fixtures. If a financing statement is not marked as required by this subsection, it shall not be required to be indexed pursuant to G.S. 25-9-403(7)."

Sec. 8. G.S. 143-345.6 is amended by adding a new subsection to read:

"(d1) The Department of Natural Resources and Community Development shall make comparative salary studies periodically of all registers of deeds offices and at the conclusion of each study the Secretary of the Department of Natural Resources and Community Development shall present his written findings and shall make recommendations to the board of county commissioners and register of deeds of each county."

Sec. 9. This act shall become effective October 1, 1989, except for Section 7, which shall become effective January 1, 1990.

In the General Assembly read three times and ratified this the 30th day of June, 1989.