

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 519
SENATE BILL 439

AN ACT TO MAKE G.S. 47-108.11 VALIDATING INSTRUMENTS WHERE SEALS
HAVE BEEN OMITTED APPLICABLE TO INSTRUMENTS REGISTERED BEFORE
JANUARY 1, 1969.

The General Assembly of North Carolina enacts:

Section 1. G.S. 47-108.11 is hereby amended and rewritten to read as follows:

"§ 47-108.11. **Validation of recorded instruments where seals have been omitted.** — In all cases of any deed, deed of trust, mortgage, lien or other instrument authorized or required to be registered in the office of the register of deeds of any county in this State where it appears of record or it appears that from said instrument, as recorded in the office of the register of deeds of any county in the State, there has been omitted from said recorded or registered instrument the word 'seal', 'notarial seal' and that any of said recorded or registered instruments shows or recites that the grantor or grantors 'have hereunto fixed or set their hands and seals' and the signature of the grantor or grantors appears without a seal thereafter or on the recorded or registered instrument or in all cases where it appears there is an attesting clause which recites 'signed, sealed and delivered in the presence of, and the signature of the grantor or grantors appears on the recorded or registered instrument without any seal appearing thereafter or of record, then all such deeds, mortgages, deeds of trust, liens or other instruments, and the registration of same in the office of the register of deeds, are hereby declared to be in all respects valid and binding and are hereby made in all respects valid and binding to the same extent as if the word 'seal' or 'notarial seal' had not been omitted, and the registration and recording of such instruments in the office of the register of deeds in any county in this State are hereby declared to be valid, proper, legal and binding registrations.

This section shall not apply in any respect to any instrument recorded or registered subsequent to January 1, 1969, or to pending litigation or to any such instruments now directly or indirectly involved in pending litigation."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1973.