

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 313
Committee Substitute Favorable 3/26/07
Committee Substitute #2 Favorable 4/11/07

Short Title: Identify Loan Originator on Deed of Trust.

(Public)

Sponsors:

Referred to:

February 22, 2007

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT THE IDENTITY OF THE LOAN ORIGINATOR BE
DISCLOSED ON THE DEED OF TRUST.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 47-17.1 reads as rewritten:

"§ 47-17.1. **Documents registered or ordered to be registered in certain counties to designate draftsman; draftsman and loan originator; exceptions.**

(a) The register of deeds of any county in North Carolina shall not accept for registration, nor shall any judge order registration pursuant to G.S. 47-14, of any deeds or deeds of trust, executed after January 1, 1980, unless the first page of the deeds or deeds of trust bears an entry showing the name of either the person or law firm who drafted the instrument, except that papers or documents prepared in other states may be registered or ordered to be registered without having the name of either the person or law firm who drafted the instrument designated thereon.

(b) The register of deeds of any county in North Carolina shall not accept for registration a deed of trust on residential real property, registered after January 1, 2008, unless the first page of the deed of trust bears an entry showing the name of the mortgage broker or other person (other than the lender identified in the deed of trust), if any, who originated the loan. If a mortgage broker licensed pursuant to G.S. 53-243.02 originated the loan, the entry shall also indicate the broker's license number. If the loan secured by the deed of trust was not originated by a third party, the entry on the deed of trust shall so indicate. It shall be the duty of the settlement agent to ensure that the information required by this subsection is included on the first page of the deed of trust prior to submission for registration. This subsection shall not apply to a deed of trust executed outside of this State.

SECTION 2. This act is effective when it becomes law and applies to deeds of trust registered on or after January 1, 2008.