



2011 Changes in the Laws and Regulations Regarding Satisfactions, Recording Fees, Format Requirements, Electronic Plats, Military Discharge Access, and Indexing

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In 2011 the North Carolina General Assembly revised the laws governing methods for making a record of security instrument satisfaction, the amount and allocation of recording fees, document format requirements, requirements for electronic plat recording, and military discharge record access. The changes to military discharge record access and a requirement that a drafter's name appear on deeds and deeds of trust prepared out of state have already become effective. The other changes take effect October 1, 2011. In addition to these statutory changes, the rules for indexing real property instruments will change effective January 1, 2012. This bulletin describes all of these changes.

Satisfaction of Security Instruments

Satisfaction by Presentation Ends October 1, 2011

Secured creditors must submit a satisfaction record within thirty days after full payment of the secured obligation. N.C. GEN. STAT. (hereinafter G.S.) § 45-36.9(a). In 2005 the General Assembly enacted legislation to provide for a simplified filing of a satisfaction instrument by the secured creditor or trustee consistent with nationwide uniform law recommendations. A *satisfaction of security instrument* or *trustee's satisfaction of a deed of trust* identifies the type of security instrument, the original parties, and the original instrument recording information. A satisfaction of security instrument must be signed by the secured creditor, and a trustee's satisfaction must be signed by a trustee or substitute trustee. Both must be acknowledged. G.S. 45-36.10, .11, .20, .21. Secured creditors or trustees may also continue to use a *notice of satisfaction* form, and owners of notes and secured creditors may use a *certificate of satisfaction* form (both forms were already in use in 2005). G.S. 47-46.1, .2. The law also still allows a

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mortgagee or trustee to make a record of satisfaction with a *quitclaim deed* or *release deed* or other conveyance instrument signed, acknowledged, and recorded. G.S. 45-39.

Most lenders in North Carolina prepare and record these satisfaction instruments. Another method of making a record of satisfaction has continued to be available in this state in a manner no longer used in any other state: presentation of original instruments to the register for the register's review and action. This process requires registers to review original security instruments and the original instruments they secure for endorsements and other information and, if the presented documents are in order, to make a record of satisfaction for the secured creditor or trustee. In recent years, only about 10 percent of satisfactions in this state have been recorded in this manner. Although lenders and their counsel may have chosen this method for legitimate reasons, frequently instruments are presented that are not in due order. For example, they may lack required endorsements, involve complications in the nature of the security that cannot be confirmed as fully satisfied, or entail other circumstances that are better handled by the parties' attorneys with the use of satisfaction instruments that they can prepare and record.

Session Law 2011-246 (H 312) ends use of satisfaction by presentation effective October 1, 2011. The methods no longer available include presentation by secured creditors or trustees of original security instruments and notes endorsed by the creditors or trustees (formerly G.S. 45-37(a)(2)); presentation by grantors, mortgagors, or their attorneys or agents of original security instruments and the instruments they secure if the maturity date is more than ten years old (formerly G.S. 45-37(a)(3)); and presentation by bearers or holders of original negotiable instruments and the instruments they secure, signed and marked paid, provided no prior notice was given of a loss or theft of the instruments (formerly G.S. 45-37(a)(4)). Registers also no longer have responsibility for actions in connection with a notice of loss or theft of a bearer or holder negotiable instrument, a procedure that has only very rarely arisen for many years. The parties are responsible for taking whatever action they deem appropriate in connection with such a circumstance, including the recording of any appropriate instruments.

Session Law 2011-246 (H 312) also amends G.S. 58-74-10 to clarify that when a clerk of superior court makes a record in the register of deeds office of cancellation of a mortgage given in lieu of a bond in a criminal action, the clerk records a satisfaction document. The amended statute previously indicated that a marginal note was to be made, which is not possible with modern imaging methods.

Recording Fees

New Fee Structure Effective October 1, 2011

Session Law 2011-296 (S 384) modifies the fees for recording instruments and simplifies their allocation to state accounts. G.S. 161-10(a)(1), (1a), (16); G.S. 161-11.3; G.S. 161-11.5 (effective October 1, 2011). The changes follow a recommendation by the North Carolina General Assembly's Fiscal Research Division based on a study of data received from the North Carolina Association of Registers of Deeds, the North Carolina Office of State Management and Budget, and the North Carolina Department of Revenue. These changes take effect October 1, 2011, but the statute contains an automatic sunset provision by which these changes expire on July 1, 2013, unless the General Assembly hereafter extends them. The Revenue Laws Study Committee will review the effect of the changes and report its findings and a recommendation to the General Assembly. The fee schedule effective October 1, 2011, is set forth in Appendix 1.

The new fees charge the same amount up to fifteen pages, eliminating the need in most cases to calculate a more complicated amount based on the number of pages. The fee for a deed of trust or mortgage up to fifteen pages is \$56.00. All other instruments, including deeds, are \$26.00 for the first fifteen pages. The higher amount for a deed of trust reflects the cost of a later recording of a satisfaction, for which there still will continue to be no separate charge. For any document that is more than fifteen pages, the charge is an additional \$4.00 per page beyond fifteen pages. There will no longer be an additional fee for verification (currently \$2.00).

As noted, registers will apply a higher fee to a “deed of trust or mortgage” than to other instruments. The present fee structure is more complicated, because registers must compute one total fee for deeds of trust and mortgages, another for deeds, and yet another for other kinds of instruments. The interpretation of what constitutes a deed, in particular, has been problematic at times, especially with instruments such as easement or boundary agreements that may not look like deeds but are functionally the same. The revised law eliminates the need to attempt to distinguish a deed from other instruments. Registers only apply a different fee to a deed of trust or mortgage, which in the vast majority of instances will be simple because lenders usually use clearly entitled standardized forms. Identifying a deed of trust or mortgage is not a new issue as a result of the legislation; this issue already exists under current law. In the unusual instance in which a document is not clearly marked and presented as a deed of trust or mortgage but seems to have the characteristics of such a document, the following seems to be a reasonable interpretation based on the language of the revised statute.

- The higher fee applies if the document is entitled “deed of trust,” “trust deed,” “mortgage deed,” or “mortgage,” alone or *with* other language indicating additional legal effects such as “and security agreement,” “and assignment of leases and rents,” “and pledge,” or “and financing statement.”
- If the fee for a deed of trust or mortgage is presented and the instrument is not clearly labeled as such, the register can reasonably accept the fee. A register may rely on a presenter’s representation in an unclear situation rather than attempt to reconstrue a document.
- A document not bearing the title “deed of trust” or “mortgage” is subject to the fee if the register can reasonably determine that it is an instrument conveying a power of sale in real property from an owner to a trustee (deed of trust) or an owner to a lender (mortgage). For example, the deed of trust fee applies to an instrument with such terms but without any title (the \$25.00 additional charge for being a nonconforming document without a title also applies). A document can have the legal effect of a deed of trust or mortgage without being so entitled, and the statute cannot reasonably be interpreted as enabling someone to avoid the higher fee merely by using a different title or no title at all. A drafter who attempts to disguise the legal effect of a document that is intended to convey a power of sale for the purpose of avoiding a higher fee runs the risk of problems with enforceability.
- The fee can reasonably be applied to a *rerecording* of a deed of trust or mortgage. The rerecording presumably is in connection with the valid creation of a security interest, and its legal effect is therefore indistinguishable from another deed of trust or mortgage. Similarly, the higher fee reasonably can be applied to an *amended deed of trust or mortgage, a supplemental deed of trust or mortgage, a restated deed of trust or mortgage*, or something else to that effect. Such an instrument may or may not create a new security interest (it would create one in part, for example, if it adds additional land to the property

description of the previous instrument). Registers cannot be expected to determine a complex legal instrument's intended legal effect and may therefore appropriately treat such an instrument the same way they would treat any other deed of trust or mortgage.

- The fee would not seem to apply to an *assignment of deed of trust* or an *assignment of mortgage* that merely transfers the lender's rights under a previously recorded deed of trust or mortgage to another lender or lender's nominee. Such an instrument does not have the legal effect of creating a new security interest. Also, an assignment that is a transfer from one lender to another does not necessarily generate a need for more than one satisfaction instrument, and the higher fee to account for the satisfaction was already paid when the deed of trust or mortgage was recorded.
- The fee for a deed of trust or mortgage applies to a *leasehold deed of trust or mortgage*. See G.S. 45-21.1(b) (defining such an instrument as a type of deed of trust or mortgage). A tenant's (or lessee's) rights under a lease are a real property interest in which a deed of trust or mortgage with a power of sale can be given.
- Registers may reasonably not require payment of the higher fee for an *assignment of leases and rents*. This kind of security instrument grants an owner's creditor a right to collect rents from the owner's tenants upon the owner's default. Often this right is included in a deed of trust or mortgage, and in that case there is no question about the fee because the higher fee is paid for the deed of trust or mortgage component. When recorded separately, an assignment of leases and rents has some of the same legal effects as a mortgage, and some authorities state that its more appropriate name, to avoid confusion, is "mortgage of leases and rents," Restatement (Third) of Prop. Mortgages § 4.2 comment b, which suggests that the higher fee could be appropriate. Also, if a separate instrument is used, it may be the subject of a separate satisfaction instrument for which the higher fee on the separate assignment of leases and rents would be advance payment. Accordingly, the higher fee could reasonably be paid for a separate assignment of leases and rents. However, it is also reasonable to conclude that the register does not have to insist on its payment, because an assignment of leases and rents is generally understood as conveying something other than what is conveyed in a deed of trust or mortgage as those terms are usually used, and the statute specifically uses these terms to identify the documents to which the higher fee applies.

Note that this is an interpretation and not meant to be a comment on the application of the fee in any situation not clearly addressed by the statute.

Satisfaction documents usually refer to one deed of trust. The subsequent instrument indexing rule requires registers to pick up the recording data of *the original* recorded instrument to which the subsequent instrument refers. G.S. 161-14.1(b)(3) ("If the subsequent instrument states the recording data for the original instrument, reference the recording data of the original instrument as that recording data is stated in the subsequent instrument to each name so indexed."). Apparently relying on the absence of an explicit prohibition against using a single satisfaction document for more than one original security instrument, satisfaction instruments sometimes list two or more. This approach runs the risk of confusion and can create difficulties in the indexing system by requiring multiple entries for a single name record when the system is designed for one reference entry. The 2011 legislation provides that when a subsequent instrument refers to more than one original instrument for which recording data are required to be indexed, the fee is \$25 for each additional reference. G.S. 161-10(a)(1) (effective October 1, 2011). The additional reference fee is not triggered by supplemental information that does not have to

be indexed according to the subsequent instrument indexing rule, such as assignment recording data in a satisfaction. Because there is no fee for recording satisfaction instruments, a presenter obviously can avoid this charge by using separate satisfaction documents for each original instrument being discharged.

The register's allocation of receipts effective October 1, 2011, is shown in Appendix 2. The current method for fee allocation requires the register to collect and forward several categories of fees to different accounts for state programs based on the nature of an instrument. The change simplifies this process by requiring that from the fees collected by the register for all instrument recording—including deeds, deeds of trust, and mortgages (not plats)—the register must remit \$6.20 for each to the state treasurer. The *state treasurer*, not the register, allocates this money among three programs (Floodplain Mapping Fund (55 percent), Department of Cultural Resources (25 percent), and General Fund (20 percent)). G.S. 161-11.5 (effective October 1, 2011). Note that the state treasurer remittance applies only to fees for recording instruments other than plats and not to other fees.

The automation enhancement and preservation fund in which a portion of some collections is deposited continues to apply at 10 percent on fees collected pursuant to G.S. 161-10, except for deeds of trust and mortgages. The statute says that \$6.20 is put in the fund “for the first page” of a deed of trust or mortgage. G.S. 161-11.3 (effective October 1, 2011). Because a single fee is now imposed for the first fifteen pages, this provision apparently is intended to mean that the \$6.20 amount applies to the first fifteen pages, and the 10 percent amount applies to charges for pages beyond fifteen for a deed of trust or mortgage as for other instruments. Note that the automation fund set-aside does not apply to county receipts other than those subject to G.S. 161-10, so it does not apply to excise taxes (G.S. Chapter 105 or local acts) or to the fees for the state registrar's vital records system (G.S. 130A-93.1).

Other amounts and allocations have not changed, including excise taxes and marriage license fees.

Document Format Requirements

Out-of-State Drafter Required Effective June 27, 2011

Margin and Font Changes Effective October 1, 2011

Session Law 2011-351 (S 519) expands the requirement for the identification of a *person* or *law firm* that drafted a *deed* or *deed of trust* executed after January 1, 1980, to include all such instruments, even if prepared outside North Carolina. G.S. 47-17.1 (effective June 27, 2011). Note that the only entity or organization name that is sufficient alone is a law firm; otherwise a person's name must appear as drafter. Note also that as before the change, a drafter's *name* is required *on the first page*; a drafter's signature is not required. The register is not to accept such an instrument for recording without the information. The legislation took effect on June 27, 2011.

Session Law 2011-296 (H 384) also makes changes to the margin and font requirements in G.S. 161-14(b) on documents other than plats. Effective October 1, 2011, side margins must be at least one-quarter inch (the current requirement is one-half inch) and a font size no smaller than nine points is considered legible (the current requirement states that a font size no smaller than 10 points shall be considered legible).

Electronic Plat Recording

Requirements for Electronic Plats Effective October 1, 2011

Since 2008 the statutes have expressly authorized registers to accept electronic documents from two kinds of submitters: the government or a “trusted submitter.” G.S. 47-14(a1). Someone could become a trusted submitter only by agreeing to the register’s requirements in a memorandum of understanding. The submitter is responsible for complying with originality requirements. The statutes do not require any register to accept electronic submissions, nor do they require registers who decide to accept electronic documents to accept them from anyone except those authorized by the register.

The 2008 changes did not expressly address the recording requirements for digital plats. G.S. 47-30(a) provides that “all plats” must have prescribed margins and must comply with statutorily prescribed sizes as specified in advance by each county. Dimensional requirements enable registers to manage plat review and reproduction. They also enable presenters to anticipate what any particular county will accept for recording.

The statutes have certification requirements for most types of plats. G.S. 47-30(d) requires that “[t]here shall appear on each plat a certificate by the person under whose supervision the survey or plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon,” in a prescribed form. The form requires a surveyor’s signature and seal or stamp. G.S. 47-30(f) requires a surveyor’s “certificate on the face of the plat” with respect to the application of land use regulations. Additionally, unless a plat is subject to a statutory exception, it cannot be recorded without first being checked by the county review officer for compliance with recording requirements, and a register may not accept a plat subject to the review without the review officer’s certification “affixed to it.”

Session Law 2011-246 (H 312), sec. 7, clarifies the requirements for the form, dimensions, and certification of electronically submitted plats. It adds new subsection (o) to the statute governing recordable plats, G.S. 47-30. Registers who choose to accept electronically submitted plats may do so only if the plats are from a governmental unit or instrumentality or trusted submitter authorized by the register to present plats electronically, as is the case for other electronically submitted instruments. A trusted submitter must enter into a memorandum of understanding with the register. The certifications must appear on the digitized image of the document as it will appear on the public record. If the plat is from a trusted submitter, it must have the following statement from the submitter:

Submitted electronically by _____ (submitter’s name) in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the _____ (insert county name) County Register of Deeds.

The plat image must otherwise comply with other applicable laws and rules that prescribe recordation.

Access to Military Discharge Documents

Widow and Widower Authorized Effective June 23, 2011

By statute, only individuals with a certain relationship to a veteran are authorized to record military discharge records with the register of deeds or to receive a copy of them from the records. The subject's widow or widower was listed as one of those who could give someone else a notarized authorization to file or receive a copy. Session Law 2011-246 (H 312), sec. 8, revises G.S. 47-113.2(b)(1) to give the subject's widow or widower the ability to file and receive a copy directly rather than only with another authorized person's written permission. This change became effective June 23, 2011.

Real Property Indexing

Revised Minimum Standards for Indexing Effective January 1, 2012

Effective January 1, 2012 (except in Wake County, where effective by January 1, 2014), new rules will apply to real property instrument indexing. North Carolina's registers of deeds follow the Minimum Standards for Indexing Real Property Instruments, which are regulations approved by the North Carolina Association of Registers of Deeds and the North Carolina Bar Association and adopted by the North Carolina Secretary of State. Rule 1.01 provides as follows:

These rules are intended to promote predictability in the appearance and sorting of names in alphabetical indexes. Reliance on the procedures in these rules is not intended to define the standard of care for a reasonably careful and prudent user of a register's index. Users may be expected to search for names according to variations in appearance that should reasonably be anticipated.

Accordingly, searchers should look for names in the index using a reasonably careful and prudent approach. Documents that can be found this way will be deemed properly registered and the users will be held to have constructive knowledge of them. This is the law by statute, G.S. 161-22(h), which provides as follows:

No instrument shall be deemed registered until it has been indexed in a manner to put a reasonably careful and prudent examiner on notice upon inquiry, and, if upon inquiry, the instrument would have been found.

The new Minimum Standards are a different basic approach to indexing than was followed under the rules that have been in effect since the 1990s. The rules being replaced were written primarily with a telephone-book style in mind, employing name reformatting so that names are grouped in consistent places in alphabetical lists. That method required indexers and searchers to be familiar with many reformatting rules. The revised Minimum Standards aim to improve findability with a basic approach of entering names as they appear on the document, eliminating the need for familiarity with the numerous reformatting rules. Search functions further assist users with finding names despite slight variations from anticipated format.

As has always been the case, searchers should not rely entirely on a quick search of the index based on simple assumptions to determine whether listed documents are those pertinent to the title they are examining. They need to consider possible reasonable variations and examine the documents themselves.

The following is a summary of many of the rules. Those who use the index should consult the complete rules for additional rules and examples.

Key It as It Appears

Under the new rules, the basic approach for indexing the names of parties to a document is to enter them in all capitals as they appear on the document—that is, as they were expressed by the drafter. In most cases this is simply a matter of entering all characters in the same sequence. Human names are entered into two fields: surname and given names. Non-human names are entered in full into a single field. The indexer will recognize and enter almost every character, but practicality requires some reasonable limit. This limit is based on the keys on the standard keyboard, more specifically defined by Rule 3.06:

```
! " # $ % & ' ( ) * + , - . /
0 1 2 3 4 5 6 7 8 9
: ; < = > ? @
A B C D E F G H I J K L M N O P Q R S T U V W X Y Z
[ \ ] ^ _ ` { | } ~
```

The rule specifies that marks applied to letters, most of which are considered diacritical marks, are to be ignored. The index entry will contain all of the recognized characters within a name as they appear and without any abbreviations made by the indexer. The system must allow a minimum of seventy characters in each of the fields for non-human name, human surname, and human given name. A register may set up the system to allow more in a field.

Non-human names are entered character by character, in full, into a single field. The register does not break up the name or change it to abbreviate its parts. If the name is too long to fit in the field, the entry will have as many characters as will fit (seventy, or more as set by the register). It can be found the same way.

Human Names

Human names typically have two parts: a surname and at least one given name. Rule 3.03 directs that the register “shall assume that all names on a document are in the United States name convention of given name(s) followed by surname.” This means, for example, that if three separate words are given, the register assumes that the last is the surname.

Under the old rules, the indexer made two entries of hyphenated surnames, one with only the last word as the surname and one with both words as the surname but no hyphen. Under the new rules, the system will create a multiple entry when a surname is entered with two or more words separated by a hyphen. The name will appear in both ways as it was to appear under the old rules, as well as exactly as it is entered with the hyphen. For example:

Index entry:	SMITH-SIMPSON	JANE
Index records:	SIMPSON	JANE SMITH
	SMITH SIMPSON	JANE
	SMITH-SIMPSON	JANE

When what clearly appears to be an additional surname is in parentheses before or after the surname, the name is keyed into the index according to the surname not in parentheses and also according to the surname that was in parentheses (without the parentheses). When indexing the surname not in parentheses, the surname that was in parentheses is treated as the last given name and entered in the given name field. Suffixes such as Sr. and III are indexed after

the last given name, with no comma between the last given name and the suffix. A title such as Reverend, Dr., Mr., etc., is not indexed as part of the human name unless it is with a surname and no other given name or it appears with only what appears on the face of the document to be the spouse's name. In these instances the title is necessary to distinguish the name. Professional certifications or degrees showing a certain level or type of education, such as CPA or MD, are not included in the index entry. Sometimes a document includes another name by which a party may be known. When the printed or typed portion of the signature block makes reference to an additional name through phrases such as "formerly known as" or "doing business as" (or their acronyms such as "FKA" or "DBA"), only the name and the additional name are indexed, not the referential words or acronyms.

Under the new rules, the following six types of status are to be included in an index entry for the person with whom a status is associated, if the status is clearly indicated:

- trustee
- attorney-in-fact
- administrator/administratrix
- executor/executrix

Although not required to do so, registers may include other types of status, such as beneficiary. A status field entry is not part of the alphabetizing order for sorting purposes.

The required entry for an estate name is the human name. The indexing rule for trust names requires that the names of trusts containing what clearly appear to be human names are to be keyed into the index both as non-human names and by the human names contained within the trust. When indexing the human name for a trust, references to the trust are optional. If they are included, they are entered in the status field and do not affect the alphabetical order of the human name being indexed.

For plats, the owner of the property that is the subject of the plat, which is required to be shown as part of the plat's title, is indexed as a grantor. For a condominium plat, the entry includes the declaration recording data as shown on the plat. The title of the plat is indexed as a grantor. A descriptive title (such as Singing Oaks, Part II) is indexed as a non-human name.

Sort Order and Alphabetizing

Sort order and alphabetizing rules determine how names appear in a list, such as when the indexing information for more than one record is returned in response to a search query. According to Rule 5.01, the order is a matter of alphabetical order first according to human surname or non-human name and then according to given names for human names. If these are the same, the order is determined by date registered.

When the name has only letters and no spaces, the English alphabet is the only consideration. If the name has spaces, as with many non-human names, the nothing-before-something rule applies. This means in effect that a shorter word comes earlier in alphabetical order than a longer word beginning with the same letters. For example:

AD VIDEO
ADAM INSTRUMENT INC
ADAMS BILT CO

If the name has numerals, the numerals are considered words. Roman numerals are considered alphabetic characters, not numbers.

The ASCII character order of recognized symbols, numbers, letters, and punctuation shown above is used for sorting the names in the index.

Technical Search Aids

Computer-assisted search aids are familiar tools to anyone who uses the Internet. The new rules require that systems provide searchers with the use of a few of the common technical search aids. They are aimed at detecting possible intended variations.

Equivalencies. This search aid returns results that automatically associate characters with certain abbreviations and vice versa. The rules contain a list of required equivalencies, and registers may supplement the list.

Auto-completion. An optional drop-down menu may suggest names from the record database that begin with the entered characters. After several characters are entered (the minimum number is set by the system), a drop-down menu provides a list of possible matches from which the searcher can choose with a click. The list will be from names in the register's database of index entries.

Soundex. An optional function that suggests names from the register's record database that may be pronounced similarly to the name entered. Soundex pre-dates computers and has been used for many years. The details can vary.

Political Divisions. The system returns results for queries that identify a political division and proper name without regard to the order in which the political division and proper name are given or the presence of "of", district, village, town, township, municipality, city, county, and state. For example, if a name appears on a document as Town of Conetoe and is accordingly indexed this way, a searcher who enters "Conetoe, Town of" will see the Town of Conetoe as a responsive entry.

Words Beginning with "The," "A," or "An". Under the prior rules, registers could adopt conventions for non-human words that began with "The," consistently either including it or not. Under the new rules, the system's functionality will return entries both with and without regard to the presence of the articles "The," "A," or "An" at the beginning of the indexed name or query.

Results and Punctuation, Symbols, and Spaces. Names that include punctuation, symbols, and spaces within them pose a challenge for both indexers and searchers. These elements make it more difficult to match a query to the search and make it more difficult to anticipate where a name will fall in alphabetical order. Under the new rules, names usually will be indexed with such elements if they are in the name. A searcher who is interested in documents indexed for the same person during the time in which different rules were in place should therefore consider looking for it as it would be indexed both ways. To assist the searcher in this endeavor, Rule 7.09 requires that the system enable a searcher to match names both with and without the recognized punctuation, symbols, and spaces within them. During the search process, the system will strip out those elements from names in the database and the name in the query and provide a list of matches to what remains. In an unusual case this may give more results than the searcher wants, but the relevance of results is for the searcher to determine.

Of course, no technical search aid can direct someone to all possible reasonable variations of a name, and searchers will need to continue to look for possible variations and examine documents to determine possible relevance.

Some Things Drafters Can Do to Facilitate Indexing and Findability

- Clearly indicate the names of the parties to the document and their capacities as grantor or grantee (for example, names in capitals, “grantor” or “grantee” in parentheses).
- Put all names of the parties to the document in the forefront of the document (not in the middle of the document or in attachments).
- Clearly separate the name to be indexed from any additional information.
- Avoid adopting names for real estate title with symbols or unusual spacing or punctuation that will result in unfamiliar alphabetizing.
- Ensure that names appear consistently throughout the document and in signatures.
- Use a single document title from the common document types listed in the local rules.
- Clearly set out a brief description of the property for indexing reference.
- When the document is related to a prior recorded instrument (for example, as with a satisfaction), clearly show the original document’s recording information and the names of the parties to that prior instrument and their original capacities as grantors or grantees.

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Appendix 1

FEES EFFECTIVE OCTOBER 1, 2011

Recording Real Estate Instruments

- Instruments except deeds of trust and mortgages..... \$26 first 15 pages
4 ea. add'l page
- Deeds of trust and mortgages 56 first page
4 ea. add'l page
- Plats 21 ea. sheet
- Nonstandard document 25
- Multiple instruments as one, each 10
- Satisfaction instruments No fee
- Add'l subsequent instrument index reference, each 25

UCC Records

- One or two pages in writing 38
- More than two pages in writing..... 45 up to 10 pages
2 ea. page over 10
- Filed electronically if permitted 30
- Response to written request for information..... 38
- Response to electronic request if permitted 30
- Copy of statement..... 2 ea. page

Marriage Licenses

- Marriage license..... 60
- Delayed marriage certificate, with one certified copy..... 20
- Application or license correction with one certified copy ... 10
- Marriage license certified copy..... 10

Other Records

- Recording military discharge No fee
- Military discharge certified copy as authorized..... No fee
- Birth certificate certified copy 10
(register may waive for person over 62 years old)
- Birth certificate after one year or more for same county,
with one certified copy 20
- Papers for birth certificate in another county one year or
more after birth..... 10
- Birth certificate for papers from another county one year or
more after birth, with one certified copy..... 10

- Death certificate certified copy..... 10
- Birth record amendment..... 10
- Death record amendment 10
- Legitimations..... 10
- Certified copies unless statute otherwise provides..... 5 first page,
2 ea. add'l page
- Uncertified copies..... Cost as posted

Other Services

- Notary public oath..... 10
- Notarial acts..... 5 ea. signature
*(not charged if performed with acts for which there is a fee
except if fee is for registering instruments or plats)*
- Comparing copy for certification 5
- State vital records search 10
- State vital records for network access..... 24 first copy
15 ea. add'l copy
- Miscellaneous services Cost as posted

Appendix 2

RECEIPT ALLOCATIONS EFFECTIVE OCTOBER 1, 2011

Deeds and Other Instruments (except plats, deeds of trust, and mortgages)

Register receipt (up to 15 pages)	\$ 26.00	
Less:		
1.5 % Pension Fund	(0.39)	
State Treasurer	(6.20)	
Receipts retained by county		= 19.41
Less: 10 % Automation Fund		(1.94)
Undesignated county register receipts		\$ 17.47

Deeds of Trust and Mortgages

Register receipt (up to 15 pages)	\$ 56.00	
Less:		
1.5 % Pension Fund	(0.84)	
State Treasurer	(6.20)	
Receipts retained by county		= 48.96
Less: Automation Fund		(6.20)
Undesignated county register receipts		\$ 42.76

Marriage Licenses

Register receipt	\$ 60.00	
Less:		
1.5 % Pension Fund	(0.90)	
Children's Trust Fund	(5.00)	
Domestic Violence Center Fund	(30.00)	
Receipts retained by county		= 24.10
Less: 10 % Automation Fund		(2.41)
Undesignated county register receipts		\$ 21.69

Other Fees Subject to Pension and Automation Funds

(not VRAS or excise tax)

Register receipt (example)	\$ 10.00	
Less:		
1.5 % Pension Fund	(.15)	
Receipts retained by county		= 9.85
Less: 10 % Automation Fund		(0.99)
Undesignated county register receipts		\$ 8.86
