

Frequently Asked Questions

What is a Deed?

A deed is an instrument by which the buyer obtains title to the piece of property being sold. A deed comes in many forms. The most common source of passing title is called a warranty deed. The seller warrants that he or she has a good and clear title and guarantees that his predecessors have no interest in the title. Another example of a deed is a quit-claim deed. This instrument is used to obtain a release from a person who is believed to have some interest or claim to the property. By this form of deed, the grantor 'quits' any claim he might have. All deeds must have a legal description- a method of geographically identifying a parcel of land, which is acceptable in a court of law.

May I prepare my own Deed?

Yes, you could, but the Register of Deeds Office would recommend you to seek an attorney for legal assistance. The Register of Deeds office is a recording agency and therefore cannot prepare deeds or answer those questions which pertain to legal matters. N.C. General Statute 84-2 prohibits a Register of Deeds from practicing law while in office, even though he or she may be an attorney.

Can a Register of Deeds determine if I have a clear title?

No. Attorneys, professional title examiners or abstractors use the records in our office as well as searching records in other offices to determine if a title is good and clear.

How do I transfer names on a deed?

In order to transfer a name on to a deed you must have a new deed prepared. Because of the many legal issues that may arise with a deed, the Register of Deeds recommends you contact an attorney to prepare a new deed.

What is the revenue or excise tax calculation on a deed presently and historic excise tax?

Effective August 1, 1991 to present - \$1.00 per \$500.00 or fraction thereof
(\$2.00 per \$1,000.00.)

January 1,-1968 to July 31, 1991 - .50 per \$500.00 or fraction thereof
(\$1.00 per \$1,000.00)

1914 until 1967 -
per \$1,000.00)

.55 per \$500.00 or fraction there of (\$1.10

What other records are maintained by the Register of Deeds?

Besides deeds, deeds of trust and UCCs, there are leases, plats, military discharges, corporate records, births, deaths, marriage licenses, notary commissions, power of attorneys, separation agreements, assumed names and many other documents.

Are the Records in the Register of Deeds public records?

Yes. The records in the Register of Deeds Office are open to the public with the exception of military discharges.

Does your office accept electronic recordings?

Yes. We presently accept electronic filings for satisfactions. If you are interested in e-filing satisfactions you may contact our current partner, Electronic Document Logistic, Inc., at www.edldocs.com or call Richard Bowlin, Esq., President and CEO at 1-919-341-4101.

If I lose my original deed, how can I replace it?

You may obtain a certified copy of your deed if it is on record in the Scotland County Register of Deeds. The fees for a certified copy are \$5.00 for the first page and \$2.00 per page thereafter.

How do I file an Assumed Name?

Business under Assumed Name Regulated.

§ 66-68. Certificate to be filed; contents; exemption of certain partnerships and limited liability companies engaged in rendering professional services; withdrawal or transfer of assumed name.

(a) Unless exempt under subsection (e) hereof, before any person or partnership engages in business in any county in this State under an assumed name or under any designation, name or style other than the real name of the owner or owners thereof, before any limited partnership engaged in business in any county in this State other than under the name set out in the Certificate filed with the Office of the Secretary of State, before any limited liability company engages in business in any county other than under the name set out in the articles of organization filed with the Office of the Secretary of State, or before a corporation engages in business in any county other than under its corporate name, such person, partnership, limited

partnership, limited liability company, or corporation must file in the office of the register of deeds of such county a certificate giving the following information:

- (1) The name under which the business is to be conducted; and
- (2) The name and address of the owner, or if there is more than one owner, the name and address of each.

(b) If the owner is an individual or a partnership, the certificate must be signed and duly acknowledged by the individual owner, or by each general partner. If the owner is a corporation or limited liability company, it must be signed in the name of the corporation or Limited Liability Company and duly acknowledged as provided by G.S. 47-41.01 or G.S. 47-41.02.

(c) Whenever a general partner withdraws from or a new general partner joins a partnership, a new certificate shall be filed. For limited partnerships, the requirement of this subsection (c) shall be deemed satisfied if the partnership is identified as the owner as provided in subsection (a) and the partnership's certificate of limited partnership is amended as provided in G.S. 59-202.

(d) It is not necessary that any person, partnership, limited liability company, or corporation file such certificate in any county where no place of business is maintained and where the only business done in such county is the sale of goods by sample or by traveling agents or by mail.

(e) Any partnership or limited liability company engaged in rendering professional services, as defined in G.S. 55B-2 (6), in this State, shall be exempt from the requirements of this section if it shall file annually with the licensing board responsible for regulating the rendering of such professional services, or at such intervals as shall be designated from time to time by such licensing board, a listing of the names and addresses of its partners or members. The listing shall be open to public inspection during normal working hours.

(f) Any person, partnership, limited liability company, or corporation executing and filing a certificate of assumed name as required by this section may, upon ceasing to engage in business in this State under the assumed name, withdraw the assumed name or transfer the assumed name to any other person, partnership, or corporation by filing in the office of the register of deeds of the county in which the certificate of assumed name is filed a certificate of withdrawal or a certificate of transfer executed as provided in subsection (b) of this section and setting forth:

- (1) The assumed name being withdrawn or transferred;
- (2) The date of filing of the certificate of assumed name;
- (3) The name and address of the owner or owners of the business;
- (4) A statement that such owner or owners have ceased engaging in business under the assumed name;
- (5) If the assumed name is to be withdrawn, the effective date (which shall be a date certain but not more than 20 days from the date of filing) of the withdrawal if it is not to be effective upon the filing of the certificate of withdrawal; and
- (6) If the assumed name is to be transferred, the name and address of the transferee or transferees, and the effective date (which shall be a date certain but not more than 20 days from the date of filing) of the transfer if it is not to be effective upon the filing of the certificate of transfer. This subsection does not relieve a transferee of the obligation to file a certificate of assumed name as required by this Article. (1913, c. 77, s. 1; C.S., s. 3288; 1951, c. 381, ss. 3,

7; 1967, c. 823, s. 28; 1977, c. 384; 1985, c. 264; 1987, c. 723, ss. 1, 2; 1987 (Reg. Sess., 1988), c. 1031, s. 4; 1991 (Reg. Sess., 1992), c. 1030, s. 18; 1999-189, s. 6; 2000-140, s. 101(t.)

For more information on assumed names you may visit the NC Department of Commerce's website at www.nccommerce.com or Business Link NC's website at www.blnc.gov. You may also find more information at the NC Secretary of State's website at www.sosnc.com.

How do I file a separation agreement?

It is always advisable to seek an attorney to prepare a separation agreement. There are no forms available in the Register of Deeds Office for separation agreements. After both parties sign the separation agreement before a notary it may then be recorded in the Register of Deeds Office. Please see the fee schedule for the proper recording fees.

Who do I contact to get a copy of my divorce record?

The County Clerk of Superior Court's Office where the divorce was processed is where you would go to obtain a copy of your divorce.

If you should have further questions, please contact our office at 910-277-2575 or email Debra H. Holcomb, Register of Deeds@ dholcomb@scotlandcounty.org. and we will be happy to assist you.