

## **Register of Deeds** <sup>[1]</sup>

# **Register of Deeds**

by William W. Smith, 2006

See also: [Counties](#) <sup>[2]</sup>; [Local Government](#) <sup>[3]</sup>

The office of register of deeds in North Carolina can be traced to the [Concessions and Agreement](#) <sup>[4]</sup> of 1665 issued by the [Lords Proprietors](#) <sup>[5]</sup>, which provided for the appointment of "chiefe Registers or Secretaries" to record public business as well as land grants, conveyances, and leases. The colonial Assembly of 1715 directed that a register of deeds be appointed for each [county](#) <sup>[2]</sup>, and in 1777 the [General Assembly](#) <sup>[6]</sup> made the same stipulation. The [North Carolina Constitution of 1868](#) <sup>[7]</sup> provided for the election of a register of deeds, and since then it has been an elective office. The [1971 constitution](#) <sup>[8]</sup> does not mention the position but leaves it to the General Assembly, which provides for the election of a register of deeds in each county. The term of office is four years.

The primary purpose of the office of register of deeds is to maintain records of real property to enable the owner to give notice of that ownership and to produce and preserve satisfactory evidence of the transfer of an interest in real property. Under North Carolina law, it is the general rule that actual notice of an interest in real property is insufficient unless the instrument creating that interest is registered. Deeds, mortgages, deeds of trust, maps, leases for more than three years, easements, contracts, and other instruments that create an interest in real property or affect title to it are recorded in the office of the register of deeds of the county in which the real property (or any part thereof) is situated. An examination of these records generally takes place when the title to real property is being transferred to a new owner or is encumbered by a mortgage or deed of trust.

The register of deeds also maintains records of certain transactions under the [Uniform Commercial Code](#) <sup>[9]</sup> relating primarily to security interests in personal property. Miscellaneous records maintained by the register of deeds include birth and death certificates, records of marriages, armed forces discharges, and a list of notaries public.

### **References:**

William A. Campbell, *North Carolina Guidebook for Registers of Deeds* (1994).

Patrick K. Hetrick and James B. McLaughlin Jr., *Webster's Real Estate Law in North Carolina* (1988).

### **Additional Resources:**

North Carolina Association Registers of Deeds: <http://www.ncard.us/> <sup>[10]</sup>

North Carolina Register of Deeds Offices: <http://www.statewidetitle.com/registers.asp> <sup>[11]</sup>

### **Subjects:**

[Law and legal history](#) <sup>[12]</sup>

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### **From:**

[Encyclopedia of North Carolina, University of North Carolina Press.](#) <sup>[14]</sup>

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