

REGISTER OF DEEDS

General Information

Department Head: Krista M. Lowe, elected to office and sworn in on December 04, 2006.
Location: Shaw Building, 158 Worth Street, Asheboro, NC 27203 (P.O. Box 4458)
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Mission

To provide efficient, timely service to the general public and to those professionals who depend on the accuracy, integrity and maintenance of the public records we are charged with keeping.

Summary

The Register of Deeds office is charged with recording and maintaining all real estate-related documents for the citizens of Randolph County. In addition, the Register of Deeds office issues marriage licenses and maintains birth, death and marriage records for the county. Notaries Public for Randolph County must take their oaths in the Register of Deeds office. Military Discharges are also filed in the office. Although procedures are prescribed by the N.C. General Statutes and local ordinances, customer service—helping our users comply with regulations—is a priority of the Randolph County Register of Deeds. This department has 9 allocated positions (Register, 1 Assistant Register, 6 Deputy Registers, 1 MIS Specialist).

Overview

The duties of the Register of Deeds office are governed by the N.C. General Statutes and standards set by the N.C. Association of Registers of Deeds (NCARD). The Register of Deeds is a record-keeping office, dating back to 1663, which is charged with maintaining all land records and all vital records for the citizens of each county. All these records are open to public inspection.

1. Any qualified North Carolina voter who is at least twenty-one years old is legally qualified to run for and be elected to the office of Register of Deeds. Before a newly elected Register of Deeds may be inducted into office by the board of county commissioners, he or she must tender a bond as required by statute and as approved by the board of commissioners, not less than \$10,000 or more than \$50,000, payable to the state. The Register of Deeds is responsible for the official acts of assistants and deputies and all other employees in the office. Thus the Register's official bond stands good for mistakes of all employees in the office. The authority and duties of assistants and deputies are legally the same as the Registers. They must take the oath of office before beginning their duties.

The Register of Deeds staff records, indexes, and scans all documents that are presented for registration in their office. Some documents for recording are presented in person and some are received through the mail and by electronic recording. These records include deeds, deeds of trust, plats, birth and death certificates, armed forces discharges, marriage licenses and many

others. They assist customers with obtaining copies of various documents, amending a birth certificate to correct the spelling of a name, or anything else that is asked in the line of customer service. Staff is strictly prohibited from doing anything that could be construed as practicing law, such as a title search or preparing a deed.

Register of Deeds customers include attorneys, paralegals, surveyors, real estate agents, and the general public. Ms. Lowe and her staff keep them informed of any changes that affect their ability to record documents in the Register of Deeds office. At times, the N.C. Bar Association works with the NCARD in lobbying for legislative changes.

The Register of Deeds is not required by the State to obtain any certifications, but he or she must keep abreast of new legislation that affects the office. Randolph County Register of Deeds and staff attend NCARD-sponsored workshops and conferences in order to learn about legislative and procedural changes. This association has a certification program that requires 5 hours of continuing education credit per year for staff and 10 hours for the Register.

Service Area: Records Management

Mission

To insure the efficient operation of the Register of Deeds office for the benefit of Randolph County and the people we serve.

Summary

Internal services to staff (personnel, purchasing, training) are provided; technological and procedural needs of the office are determined; and statutory changes are communicated to staff and users. There are 1.2 positions allocated for this service area.

Operations

Documents presented to the Register of Deeds office are recorded, cashiered, bar coded, scanned, indexed and verified the same day they are presented. The next working day these documents are reviewed for accuracy and mailed or returned to the recipient. To ensure that all documents presented on a given day can be recorded and indexed by day's end (5:00 p.m.), the office does not accept any documents for recording after 4:30 pm. Documents that are being sent by the e-recording method are not processed after 4:00 pm. Staff keeps a log of the number of documents recorded and the number of pages scanned each day in order to evaluate workload over a period of time.

Ms. Lowe is active in the NC Assn of Registers of Deeds and in legislative matters that have a direct impact on the office. She makes sure that all her staff is kept abreast of statutory changes and office procedures through a combination of in-house training and professional workshops attended. Customers of the Register of Deeds office are also made aware of any of these changes.

One such legislative change took effect January 2004 and was amended, effective 03/28/2013. If Armed Forces Discharge documents are co-mingled with other records, they are exempt from legislation that requires registers of deeds to protect those records by limiting access. According to NCGS 47-13.2(b)(1), only authorized persons or someone with a court order may have access to the records that are not co-mingled. Originally, these records were public records. Because of social security numbers on these documents and some incidents of identity theft, veterans lobbied to have these documents removed from the realm of public records. The veterans worked with the NCARD and Division of Veteran Affairs to determine the wording in the legislation.

Service Area: Land Records

Mission

To efficiently and accurately record and process documents pertaining to land records; to provide precise information to customers, within the boundaries of the law.

Summary

Documents are examined and it is determined whether they can be recorded; fees are collected and recording information is assigned electronically; all recorded documents are indexed and scanned into permanent record; customers are assisted in finding recorded documents, and as much information as possible is provided without engaging in the practice of law. There are 5.8 allocated positions for this service area.

Operations

The Randolph County Register of Deeds installed a land records system (Landata) in 1998 that integrates the recording, indexing, scanning, and public retrieval process for all real estate records, eliminating the re-keying of pertinent recording information. The system also utilized a re-key verification process for the indexers that has all but eliminated typographical errors.

As of October 2004, support on the Landata land records system was discontinued. The County purchased an AmCad system, a Virginia company, at a cost of \$200,000+ for licensing and software. The Register of Deeds office went live with AmCad in July 2004. The land records database was converted to AmCad's format and the staff audited the conversion.

In March 2015, the county signed a software service agreement with Courthouse Computer Systems (CCS). The agreement covered data conversion, licensing, software support and website maintenance for a contact period of five years. This system handles all aspects of land and vital records.

Documents presented for recording must meet certain statutory and local ordinance criteria, such as size requirements, the name of the preparer of the document and the Grantor/Grantee address on all deeds. The Register of Deeds has judicial authority to refuse to record any document that does not have a proper notary acknowledgement. Effective July 1, 2002 and amended October 1, 2011, new state legislation was enacted to require all documents for recording to be one-sided, on 8½ x 11 or 8½ x 14 paper, black on white, and to have 1/4" right, left and bottom margins for all pages with a 3" top margin on the first page. Font size can be no smaller than 9 points. If an instrument does not meet these requirements, an additional fee of \$25 for a non-standard instrument is collected.

Recording fees must be paid to the Register of Deeds before any instrument is filed or registered, unless the instrument offered for recording can, by statute, be recorded without charge. There is no charge for satisfaction instruments. Fees may be paid by cash, money order, check or credit/debit cards. The applicable recording fees are set out in the attached fee schedule. Before an instrument conveying an interest in real property is recorded, the correct amount of real estate excise tax must be paid. As of July 1, 2000, excise stamps do not have to

be affixed to instruments to show the amount of tax paid. However, a notation must be entered on the instrument indicating the tax amount and that the tax has been paid.

North Carolina is a “pure race” state. Whoever gets the document recorded first owns the property. For this reason, Registers of Deeds must record documents in the order they are presented.

Maps and plats presented for recording must have been approved by the appropriate review officer appointed by the County Commissioners. Maps attached to documents must be either an original reviewed by a review officer or a copy stamped with a “not a certified survey” statement. The office has a large format scanner that allows staff to make copies of recorded plats available electronically along with other real estate documents.

When a document is presented for recording, an employee counts the pages, verifies the notary acknowledgement, checks margins, makes sure the accompanying payment/check is for the right amount, and then enters information from that document into the system (instrument #, book & page, time and excise tax, if applicable, is automatically assigned) and prints a label for each document. The notary acknowledgement forms must comply with North Carolina law. For notary acknowledgments, the staff verifies that there is a signature, seal, and expiration date. In addition, they make sure that the notary’s signature and name contained in the seal match. Any checks (for recording fee) are endorsed and a receipt is printed.

With CCS, the recorded documents are scanned first, and then indexed. The scanner automatically feeds and scans each page of the document. Next, an employee does scanning verification by looking at the scanned documents on the computer to make sure each page is accounted for and scanned. There is a feature for deletion and insertion to correct any mistakes.

The indexing screen automatically displays the image of the document and recording data in order by instrument number. Names and legal descriptions are entered. If there is a related document, information from the related document is added.

After a document is indexed, another employee completes index verification. The documents come up automatically in sequential order of recording. In essence, this employee re-keys the same information that was indexed. If there is any discrepancy in the two sets of information, the document will go into a resolution queue where the error can be corrected and the document will be moved to a completed status. At the end of the day, a proof report is run for all documents indexed and reviewed by the indexer and the verifier. At this point, those documents become permanent records. Randolph County has had computerized index verification since 1998. Prior to that time, documents were sight verified.

Recorded documents are usually available in house on the computerized index within minutes of recording. Effective January 1, 1997, there are statewide indexing standards set forth in the *Indexing Standards*, prepared by the Secretary of State’s Land Records Management Division, with the assistance of the N.C. Bar Association and NCARD. Effective July 1, 2012, new Minimum Indexing Standards for indexing Real Property Instruments became effective. All

employees must be familiar with these standards as well as the Internal Procedures Manual produced by NCARD.

Once documents have been processed, postage is run, when necessary, and the documents are placed in the mail. Effective 7/1/12, self-addressed stamped envelopes are required to be provided with all documents presented for recording unless presenter desires to return the following day to pick up the completed document(s).

All new and reappointed notaries public must take their oath of office before the Register of Deeds staff. Staff records a copy of the transmittal form sent from the Secretary of State. An original signed transmittal form is exported to the Secretary of State to show that the notary has taken their oath of office. The Register of Deeds receives a notice from the Secretary of State of every notary suspension, revocation, and reinstatement. A Notary Authentication is required when a document for recording is being sent out of the country. A staff member must check the notary acknowledgement against their records to verify that that notary was in good standing at the time he or she notarized that document.

Individuals or businesses may file a Certificate of Assumed Name. It is not the responsibility of the Register of Deeds office to check for duplicate names. The Department of Revenue is now requiring that an assumed name be filed before an individual or business can obtain a state tax identification number.

The Register of Deeds office also handles Uniform Commercial Code (UCC) filings. These filings are for liens on personal property and fixtures attached to real estate (fences, heating and cooling systems—something that cannot be removed). These documents are filed with the real estate documents, but they have their own set fee schedule.

Service Area: Vital Records

Mission

To accurately file all vital records maintained in the Register of Deeds office; to provide documentation of vital records to all who properly request it.

Summary

Certified copies of birth, death, or marriage records are filed and issued; eligibility is determined and marriage licenses are issued to qualified applicants; customers are assisted in the search for vital information, within the boundaries of the law. There are 2 allocated positions for this service area.

Operations

Birth and death certificates are administered through Vital Records in Raleigh. Marriage licenses are initiated at the Register of Deeds office and copies sent to Vital Records.

Birth certificates are initiated at the hospital and sent to the Health Department electronically. The Health Department dates the record and assigns it to Vital Records in Raleigh. Once assigned, copies can be printed by the Register of Deeds office. Birth certificates may be amended for a variety of reasons: name spelled incorrectly, court order to change the name of the father, adoptions, legitimations (child born out of wedlock and biological parents marry later), etc. The amendment form is completed at the Register of Deeds office and sent to Vital Records for approval or disapproval. There is a fee of \$10 to the Register of Deeds and a fee of \$15 to Vital Records for processing the amendment.

When a child is adopted, a new birth certificate is created and amended to show the county of adoption as the county of birth. Vital Records then notifies the county where the birth certificate is recorded, with instructions to send that record to them. This notification will be accompanied with a filler sheet to replace the original document. The filler sheet will have a statement on it that says, "This certificate has been forwarded to Vital Records."

A delayed birth certificate may be issued when no birth certificate was completed at the time of birth. Requesting parties must bring in proof of the date of birth, child's name, birthplace, and parent's names. This proof could come from earliest school records, an affidavit from an older family member, a marriage license or a child's birth record. Three forms of proof are required, and all three must show child's name and date of birth; two must show place of birth; one must show parents' names. Family bible entries are no longer accepted as proof of birth. There is a fee of \$20 to the Register of Deeds for the preparation and registration of a delayed birth.

The Randolph County Register of Deeds office as well as several other counties throughout the State can now access the State Vital Records Electronic Birth Registration System (EBRS) in order to issue certified birth records from 1971 – current for individuals born out of county. The fee for this service is \$24 each and must be purchased with a certified check, money order, cash or credit/debit cards. No personal checks are accepted.

Death certificates are created at the funeral home and have the signature of the attending physician. If an autopsy was performed, the medical examiner's signature is required. The funeral home sends the death certificate to the Health Department, who then sends a copy to the Register of Deeds office and to Vital Records. Death certificates may be amended by funeral home facilities for various reasons: wrong social security number, wrong date of death, etc. Vital Records must approve amendments.

Only immediate family members or other authorized parties (pursuant to NCGS 130A-93) are allowed to get certified copies of birth certificates, death certificates, or marriage licenses. Requesting parties are required to provide their driver's license or some other proof of specified identification. Certified birth, death and marriage certificates can be purchased with a certified check, money order, cash or credit/debit cards. No personal checks are accepted. The fee for a certified vital record is \$10 each.

Birth and death certificates are cross-indexed. When the Register of Deeds office receives a death certificate for someone born in Randolph County, they mark "deceased" on the birth certificate. They also receive a periodic printout from Vital Records of deceased persons who died elsewhere in North Carolina but were born in Randolph County. These birth certificates are also marked "deceased." This practice prevents people from fraudulently using the names of deceased persons. The Register of Deeds office receives the original and a copy of death certificates. They give the copy to the Elections office so they can mark these names off the voter registration rolls and a copy is also given to the Tax Department for reference.

The marriage license fee is \$60. No personal checks are accepted. Applicants may apply for marriage licenses between 8:00 and 4:30 pm, Monday through Friday, except legal holidays.

North Carolina law dictates how marriage licenses are to be issued:

- There is no waiting period after obtaining a marriage license before the marriage ceremony can take place.
- Every applicant must provide his/her social security number or a notarized affidavit that states "I have not been issued a social security number by the US government and I am not eligible to obtain one."
- Applicants must produce valid photo identification issued by a US government agency (driver's license, etc.)
- If an applicant is under 21, a certified birth certificate and valid photo identification are required.
- If an applicant is 16 or 17, parents' consent must be given, either in person or through a notarized statement. These applicants must provide a certified birth certificate and valid photo identification. Parents must also provide valid photo identification.
- If an applicant is 14 or 15, a court order is required.
- No one under the age of 14 may obtain a marriage license.

Marriage licenses may be amended because of a name change, etc. If the change is necessary because of clerical error, there is no charge. For incorrect information given, the amendment fee is \$10.

After the marriage ceremony, the officiant completes the license and returns both copies to the Register of Deeds office. One copy is sent to Vital Records. If the completed form is not returned, the Register of Deeds office may issue a delayed marriage license. Proof of the marriage must be provided—notarized statement of parties' involved and notarized statement of witnesses. The fee for preparing a delayed marriage license is \$20.