



CHAPTER 47
ARTICLE 1 - PROBATE

N.C.G.S. § 47-14.

Register of deeds to verify the presence of proof or acknowledgement and register instruments and electronic documents; order by judge; instruments to which register of deeds is a party.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2022-54, s. 4(a) — seventeenth act in the lineage	21 September 2026, 04:03 UTC	5744f823c2e2882baef16566 - 7340cab166493e266fbee09d - bd3cb11f03d1c755

§ 47-14(a)

Verification of Instruments. - The register of deeds shall not accept for registration any instrument that requires proof or acknowledgement unless the execution of the instrument by one or more signers appears to have been proved or acknowledged before an officer with the apparent authority to take proofs or acknowledgements, and the proof or acknowledgement includes the officer's signature, commission expiration date, and official seal, if required. The register of deeds shall accept an instrument for registration that does not require proof or acknowledgement if the instrument otherwise satisfies the requirements of G.S. 161-14. Any instrument previously recorded or any certified copy of any instrument previously recorded may be rerecorded provided the instrument is conspicuously marked on the first page as a rerecording. The register of deeds may rely on the marking and the appearance of the original recording office's recording information to determine that an instrument is being presented as it was previously recorded. The register of deeds is not required to further verify the proof or acknowledgement of or determine whether any changes or alterations have been made after the original recording to an instrument presented for rerecording. The register of deeds is not required to verify or make inquiry concerning any of the following:

- (1) The legal sufficiency of any proof or acknowledgement.
- (2) The authority of any officer who took a proof or acknowledgement.
- (3) The legal sufficiency of any document presented for registration.

§ 47-14(a1)

Verification of Electronic Documents. - The requirements of subsection (a) of this section for verification of the execution of an instrument are satisfied with respect to an electronic document if all of the conditions in this subsection are met. For purposes of this subsection, the term "electronic document" is as defined in G.S. 47-16.2(3). The conditions are:

- (1) The register of deeds has authorized the submitter to electronically register the electronic document.
- (2) The document is submitted by a United States federal or state governmental unit or instrumentality or a trusted submitter. For purposes of this subsection, "a trusted submitter" means a person or entity that has entered into a memorandum of understanding regarding electronic recording with the register of deeds in the county in which the electronic document is to be submitted.
- (3) The execution of the instrument by one or more signers appears to have been proved or acknowledged before an officer with the apparent authority to take proofs or acknowledgements, and the proof or acknowledgment includes the officer's signature, commission expiration date, and official seal, if required, based on the appearance of these elements on the digitized image of the document as it will appear on the public record.
- (4) Evidence of other required governmental certification or annotation appears on the digitized image of the document as it will appear on the public record.
- (5) With respect to a document submitted by a trusted submitter, the digitized image of the document as it will appear on the public record contains the submitter's name in the following completed statement on the first page of the document image: "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."

- (6) Except as otherwise provided in this subsection, the digitized image of the electronic document conforms to all other applicable laws and rules that prescribe recordation.

§ 47-14(a2)

Verification of Officer's Signature. - Submission to a register of deeds of an electronic document requiring proof or acknowledgement is a representation by the submitter that, prior to submission, the submitter verified the officer's signature required under subdivision (a1)(3) of this section to be one of the types of signatures listed in this subsection. The register of deeds may rely on this representation for purposes of determining compliance with the signature requirements of this section. The electronic registration of a document with a register of deeds prior to the effective date of this statute is not invalid based on whether the register verified the officer's signature in accordance with this subsection. The types of signatures are:

- (1) A signature in ink by hand.
- (2) An electronic signature as defined in G.S. 10B-101(7).

§ 47-14(a3)

Recordation of Paper Copy of Electronic Document. - A register of deeds shall record a paper copy of an electronic document as defined in G.S. 47-16.2(3) that is otherwise eligible under State law to be recorded in the real property records if all of the following conditions have been met:

- (1) One of the following applies to the county register of deeds:
 - a. The register has no electronic recording system.
 - b. The register's recording system does not accept the type of document being submitted.
 - c. The register's electronic recording system is not operational in the ordinary course of business at the time of submission.
- (2) The execution of the instrument by one or more signers appears to have been proved or acknowledged before an officer with the apparent authority to take proofs or acknowledgements, and the proof or acknowledgment includes the officer's signature, commission expiration date, and official seal, if required, based on the appearance of these elements on the document as it will appear on the public record.

- (3) The paper copy of the instrument presented for recording has a certificate upon or attached to it, signed under oath or by affirmation, attesting to all of the following:
- a. The title of the instrument, the date of the instrument, the number of pages in the instrument, and that the paper copy is a true and correct copy of an electronic record printed by, or under the supervision of, the attester.
 - b. The electronic document was proved or acknowledged with an officer's signature that meets the requirements of subsection (a2) of this section.
 - c. No security features present on the electronic document indicated any changes or errors in an electronic signature or other information in the electronic document after the affixation of the electronic notarial certificate when the paper copy was printed by, or under the supervision of, the attester.
 - d. The attester has made no changes or modifications to the electronic document since the affixation of the electronic notarial certificate.
 - e. The office of the register of deeds shall be entitled to rely on this certification and the attester's capacity and due authority to give it.
- (4) The copy of the document bears evidence of all other required governmental certification or annotation.
- (5) Except as otherwise provided in this subsection, the document conforms to all other applicable laws and rules that prescribe recordation.

§ 47-14(b)

Order by Judge. - If a register of deeds denies registration pursuant to subsection (a), the person offering the instrument for registration may apply to any judge of the district court in the district, including the county in which the instrument is to be registered, for an order for registration. Upon finding all of the requirements in this subsection, the judge shall order the instrument to be registered, together with the certificates, and the register of deeds shall register them accordingly. The requirements are:

- (1) If the instrument requires proof or acknowledgement, that the signature of one or more signers has been proved or acknowledged before an officer authorized to take proofs and acknowledgements.
- (2) That the proof or acknowledgement includes the officer's signature and commission expiration date and official seal, if required.

03	Rev.	s. 999	RECODIFIED
04	C.S.	s. 3305	RECODIFIED
05	1921	c. 91	AMENDED
06	1939	c. 210, s. 2	AMENDED
07	1967	c. 639, s. 1	AMENDED
08	1969	c. 664, s. 2	AMENDED
09	1973	c. 60	AMENDED
10	2005	S.L. 2005-123, s. 2	AMENDED
11	2006	S.L. 2006-59, s. 26	AMENDED
12	2006	S.L. 2006-259, s. 52(a)-(b)	AMENDED
13	2006	S.L. 2006-264, s. 40(c)	AMENDED
14	2008	S.L. 2008-194, s. 7(a)	AMENDED
15	2012	S.L. 2012-18, s. 1.4	AMENDED
16	2013	S.L. 2013-204, s. 1.14	AMENDED
17	2022	S.L. 2022-54, s. 4(a)	AMENDED

APPARATUS II
4 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 161-14	(a)	<i>"instrument otherwise satisfies the requirements of"</i>
G.S. 47-16.2(3)	(a1)	<i>""electronic document" is as defined in"</i>
G.S. 10B-101(7)	(a2)(2)	<i>"An electronic signature as defined in"</i>
G.S. 10B-37	(f)	<i>"does not satisfy the requirements of"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 47-14 (2022).

PINPOINT

N.C. Gen. Stat. § 47-14(a) (2022).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1899, c. 235, s. 7; 1905, c. 414; Rev., s. 999; C.S., s. 3305; 1921, c. 91; 1939, c. 210, s. 2; 1967, c. 639, s. 1; 1969, c. 664, s. 2; 1973, c. 60; 2005-123, s. 2; 2006-59, s. 26; 2006-259, s. 52(a)-(b); 2006-264, s. 40(c); 2008-194, s. 7(a); 2012-18, s. 1.4; 2013-204, s. 1.14; 2022-54, s. 4(a).)

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