



Can I Get a Statute??

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There are those closing files that trigger that familiar tickle in your brain because you just know there is a statute perfectly on point, but the exact reference remains just out of your reach. And then on the other end of the spectrum reside the files where you hope there is a statute on point because you could really use one right about then.

We understand how precious your time is and want to do what we can to make your day more productive. While statutory research is sometimes a necessity, that doesn't mean you need to start from scratch. Everyone can use a little boost from time to time. And so, we at Attorneys Title put together a quick reference guide for some of the most frequently requested statutes. Follow this link for a downloadable version.

Don't see what you need? Call or email us, as we are always happy to hear from you!

Powers of Attorney

- 1) General Provisions = Ch. 32C (but see Ch. 32A)
- 2) When recorded in another NC county = 47-28

Estates

- 1) Administration of Decedents' Estates = Ch. 28A
 - a. Estates of Absentees in Military Service = Ch. 28B
 - b. Estates of Missing Persons = Ch. 28C
- 2) Seller dies under contract – PR to complete sale = 28A-17-9
- 3) Sale, lease, or mortgage of real property = 28A-17-12
- 4) Notice to creditors (without estate administration) = 28A-29-1
- 5) Ancillary proceedings (in NC and out-of-state) = 28A-2A-13 and Article 26
- 6) Intestacy = Ch. 29
 - a. Surviving spouse election (life interest in lieu) = 29-30
- 7) Renunciation = Ch. 31B

Incompetency & Guardianship

- 1) General Provisions = Ch. 35A
 - a. Article 15 = Entireties
- 2) Ancillary Guardian (out of state appointment of guardian, but property in NC) = 35A-1280

Spouses

- 1) Contracts between husband & wife and releases = 52-10
- 2) Waiver of rights = 30-3.6
- 3) Conveyances between husband & wife = 39-13.3
- 4) Tenancy by the entireties trusts in real property = 39-13.7

Corporations

- 1) General Provisions = Ch. 55
 - a. Nonprofits = Ch. 55A
 - b. Professional = Ch. 55B
- 2) Directive to elect officers = 55-2-05
- 3) Directive to elect bylaws = 55-2-06
- 4) Corp. Officers who can sign without resolution = 47-18.3
- 5) Dissolution = 55-14

Limited Liability Companies

- 1) General Provisions = Ch. 57D
- 2) Operating agreements = 57D-1-03(23)
- 3) Reliance of NC Secretary of State filings = 57D-2-30(d)
- 4) Winding up = 57D-6

Deeds of Trust/Security Instruments

- 1) Automatic lien expiration = 45-36.24
- 2) Automatic release from ancillary docs = 45-42.3
- 3) Omission of trustee = 45-10(6)
- 4) Trustee not required to sign release, etc. = 45-45.3
- 5) Requirement to record satisfaction/release = 45-36.9
- 6) Affidavit of satisfaction – notification to secured creditor = 45-36.14-19
- 7) Satisfaction of record = 45-37
- 8) Rescission of deed of trust = 45-36.6

Notaries

- 1) General Provisions = Ch. 10B
- 2) Notarial certificates in general = 10B-40-43
- 3) Validation of certain notarial acts = 10B-65; 66; 71; 72
- 4) Erroneous Commission expiration date = 10B-67
- 5) Technical defects cured = 10B-68
- 6) Foreign Notary = 47-2 & 10B-22

Corrective Affidavits

- 1) Notary Corrective = 47-36.1(c)
- 2) Minor or Typographical Error = 47-36.1(a)

Recording/Register of Deeds

- 1) Curatives = Ch. 47, Article 4
- 2) Excise/Tax stamps = 105-228.37(e)

Tax Foreclosures

- 1) General Provisions = Ch. 105, Article 26
- 2) Time for contesting validity = 105-377
- 3) Judicial = 105-374
- 4) In Rem = 105-375

Roads

- 1) Neighborhood Roads = Ch. 136, Art. 4
- 2) Road Abandonment = 136-96
- 3) Miscellaneous provisions = Ch. 136, Art. 7

Miscellaneous

- 1) Tax proration for real estate closings = 39-60
- 2) HOA liens = 47F-3-116
- 3) Payment to Clerk for Judgment = 1-239
- 4) Construction of conveyances to or by trusts = 39.67
- 5) Ancient Mineral Rights = 1-42.9
- 6) Elimination of seal = 39-6.5
- 7) Business Trusts = Article 8

Chapters

- 1) Planned Unit Development = Ch. 47F
- 2) Condominium Act = Ch. 47C
- 3) Partition = Ch. 46
- 4) Conveyances = Ch. 39
- 5) Partnerships = Ch. 59