

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 535

Short Title: Title Fraud Prevention Act. (Public)

Sponsors: Representatives N. Jackson, Stevens, Balkcom, and Biggs (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Housing and Development, if favorable, Judiciary 2, if favorable, Rules, Calendar,
and Operations of the House

March 27, 2025

A BILL TO BE ENTITLED
AN ACT TO PENALIZE THE FILING OF FRAUDULENT DEEDS AND CONVEYANCES
AND TO PREVENT TITLE FRAUD BY AUTHORIZING THE REGISTER OF DEEDS
TO REQUIRE THE PRODUCTION OF A GOVERNMENT-ISSUED PHOTOGRAPHIC
IDENTIFICATION CARD BEFORE RECORDING A DEED OR CERTAIN OTHER
INSTRUMENTS, REQUIRING THE REGISTER OF DEEDS TO PROVIDE ACCESS TO
A FRAUD DETECTION ALERT SYSTEM, AND PROVIDING FOR A SEPARATE
CAUSE OF ACTION TO QUIET TITLE AFTER AN ATTEMPTED FRAUDULENT
CONVEYANCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-122 reads as rewritten:

**"§ 14-122. Forgery of deeds, wills and certain other ~~instruments~~instruments; presentation
for filing.**

(a) If any person, of his own head and imagination, or by false conspiracy or fraud with others, shall wittingly and falsely forge and make, or shall cause or wittingly assent to the forging or making of, or shall show forth in evidence, knowing the same to be forged, any deed, lease or will, or any bond, writing obligatory, bill of exchange, promissory note, endorsement or assignment thereof; or any acquittance or receipt for money or goods; or any receipt or release for any bond, note, bill or any other security for the payment of money; or any order for the payment of money or delivery of goods, with intent, in any of said instances, to defraud any person or corporation, and thereof shall be duly convicted, the person so offending shall be punished as a Class H felon.

(b) It shall be unlawful for any person to present for filing or recording in a public record or a private record generally available to the public a deed or transfer of real property of an owner, knowing or having reason to know that the deed or conveyance is false or contains a materially false, fictitious, or fraudulent statement or representation. If the value of property is one hundred thousand dollars (\$100,000) or more, a violation of this subsection shall be punished as a Class C felony. If the value of property is less than one hundred thousand dollars (\$100,000), a violation of this subsection is a Class G felony."

SECTION 2. Article 2 of Chapter 161 of the General Statutes is amended by adding a new section to read:

"§ 161-32. Identity verification and suspicious instruments.

(a) Definitions. – The following definitions apply in this section:



- (1) Instrument. – Any document that purports to convey title to, or an interest in, real property, such as a deed, deed of trust, or other similar document.
- (2) Suspicious instrument. – An instrument submitted for registration for which the register of deeds has found any of the following:
- a. The name or information of an acknowledging officer who has purported to acknowledge the instrument does not match the official records for that acknowledging officer.
 - b. The instrument purports not to be subject to the laws of the United States or the laws of this State.
 - c. The document does not conform to registration requirements established by the laws of this State.
 - d. The instrument is materially false, fictitious, or fraudulent and has not been submitted by a trusted submitter or an authorized representative of a trusted submitter.
- (3) Trusted submitter. – Includes all of the following:
- a. A title insurance company as described in Article 26 of Chapter 28 of the General Statutes.
 - b. An attorney licensed to practice in this State.
 - c. A financial institution as defined in G.S. 53B-2.
- (b) Identity Verification. – Notwithstanding any other provision to the contrary in this Chapter, when an instrument is presented to the register of deeds for registration by an individual who is not a trusted submitter or the authorized agent of a trusted submitter, the register of deeds shall require the person presenting the instrument to produce a government-issued photographic identification card as follows:
- (1) If an individual who is not a trusted submitter or an authorized agent of a trusted submitter presents an instrument to the register of deeds for registration in person, the register of deeds shall require the individual to produce a government-issued photographic identification card for inspection by the register of deeds before registering the instrument. The register of deeds must record the name and address of such person, as the information appears on the identification card, in a record to be kept by the register of deeds, along with the official records book and page number or instrument number of the instrument registered in connection to the production of the identification card. Such a record may not be made available for viewing on the register of deeds' official public website but shall be made available for public inspection and copying as required by the public records laws of this State.
 - (2) If an individual who is not a trusted submitter or an authorized agent of a trusted submitter presents an instrument in the form of an electronic document, as defined in G.S. 47-16.3(2), to the register of deeds, as provided by Article 1A of Chapter 47 of the General Statutes, the register of deeds shall require the individual to submit a photocopy of a government-issued photographic identification card before registering the instrument. The register of deeds must note on the photocopy of the identification card the official records book and page number or instrument number assigned to the instrument registered in connection to the submission of the photocopy of the identification card and retain the photocopy of such identification card in a record to be kept by the register of deeds. Such a record may not be made available for viewing on the register of deeds' official public website but shall be made available for public inspection and copying as required by the public records laws of this State. However, a person who submits a photocopy of his or her identification card under this subsection may redact from the photocopy

1 of such identification card before submission all of the information he or she
2 does not wish to be made public, except for his or her name, address,
3 photograph, birthdate, and ID expiration date.

4 (c) Refusing to Register. – Notwithstanding any other provision to the contrary in this
5 Chapter, the register of deeds shall refuse to register an instrument if one of the following occurs:

6 (1) The register of deeds deems the instrument presented for registration a
7 suspicious instrument under subdivision (a)(2) of this section.

8 (2) The individual presenting the instrument for registration is not a trusted
9 submitter or an authorized representative of a trusted submitter and fails to
10 provide the register of deeds with a government-issued photographic
11 identification card as required by subsection (b) of this section.

12 (3) The individual presenting the instrument for registration is not a trusted
13 submitter or an authorized representative of a trusted submitter and the name
14 on the government-issued photographic identification card presented by the
15 individual pursuant to subsection (b) of this section does not match the name
16 of the grantor or conveying party in the instrument presented for registration.

17 (d) Additional Actions for Suspicious Instruments. – Upon finding that an instrument
18 presented for registration is a suspicious instrument under subdivision (a)(2) of this section, the
19 register of deeds may do any of the following:

20 (1) Report the suspicious instrument to an appropriate law enforcement agency.

21 (2) Notify the acknowledging officer purported to have acknowledged the
22 instrument of the reason for the register of deeds finding that the instrument
23 is a suspicious instrument.

24 (e) Notice of Requirements. – The register of deeds shall provide notice of the identity
25 verification requirement described in subsection (b) of this section on the register of deeds'
26 official public website.

27 (f) Legal Protections and Remedies. –

28 (1) An injured person has a cause of action against a register of deeds for that
29 register of deeds' refusal to record an instrument based on that register of
30 deeds' allegedly erroneous finding that the instrument is a suspicious
31 instrument, as allowed by subdivision (c)(1) of this section. In an action
32 authorized by this subsection, an injured person is only entitled to appropriate
33 declaratory or injunctive relief. Notwithstanding G.S. 161-16, a register of
34 deeds shall not be liable for damages or any other claim of monetary relief in
35 an action brought under this subdivision.

36 (2) There is no right or cause of action against, and no civil liability on the part
37 of, the register of deeds or the county with respect to the register of deeds'
38 requirement of an identification card, or any refusal to register an instrument
39 as allowed by subdivision (c)(2) or (c)(3) of this section.

40 (g) Confidentiality. – Nothing in this section shall be construed to require the register of
41 deeds to provide or allow access to a record or other information that is considered confidential
42 information as defined by G.S. 132-1.2."

43 **SECTION 3.** Article 2 of Chapter 161 of the General Statutes is amended by adding
44 a new section to read:

45 **"§ 161-33. Fraud detection alert system.**

46 (a) The following definitions apply in this section:

47 (1) Fraud detection alert system. – A system which sends automated recording
48 notifications.

49 (2) Land record. – A deed, deed of trust, mortgage, or other document purporting
50 to convey or encumber an interest in real property.

- (3) Monitored identity. – A personal, trust, or business name submitted by a registrant for monitoring under a fraud detection alert system.
- (4) Recording notification. – A notification sent by electronic mail indicating to a registrant that a land record associated with the registrant's monitored identity has been recorded in the office of the register of deeds.
- (5) Registrant. – A person who enrolls in a fraud detection alert system.
- (b) The register of deeds shall ensure that registration for a fraud detection alert system is possible through an electronic registration portal, which portal shall include at least all of the following features:
- (1) Be accessible through a direct link on the register of deeds' official public website.
- (2) Allow a registrant to subscribe to receive recording notifications for at least five monitored identities per valid electronic mail address provided.
- (3) Include a method by which a registrant may unsubscribe from the system.
- (4) List a phone number at which the register of deeds' office may be contacted during normal business hours with questions related to the system.
- (5) Send an automated electronic mail message to a registrant confirming the registrant's successful registration for or action to unsubscribe from the system, which message must identify each monitored identity for which a subscription was received or canceled.
- (c) When a land record is recorded for a monitored identity, a recording notification must be sent within five business days after the recording has been completed to each registrant who is subscribed to receive recording notifications for that monitored identity. Such notification must contain at least the following:
- (1) Information identifying the monitored identity for which the land record was filed.
- (2) The land record's recording date.
- (3) The official record book and page number or instrument number assigned to the land record by the register of deeds.
- (4) Instructions for electronically searching for and viewing the land record using the assigned official record book and page number or instrument number.
- (5) A phone number at which the register of deeds office may be contacted during normal business hours with questions related to the recording notification.
- (d) There is no right or cause of action against, and no civil liability on the part of, the register of deeds or the county with respect to the creation, maintenance, or operation of a fraud detection alert system as required by this section.
- (e) The register of deeds may charge a reasonable fee to a registrant for enrolling in the fraud detection alert system in an amount that does not exceed the actual cost of maintaining and allowing access to the system."

SECTION 4. Article 1 of Chapter 41 of the General Statutes is amended by adding a new section to read:

"§ 41-10.2. Titles quieted; fraudulent instruments.

(a) As used in this section, the term "instrument" means any of the following:

- (1) A transfer of title to real property by deed or devise or other instrument transferring title to real property.
- (2) A deed of trust, mortgage, judgment, lien, encumbrance, financing statement, affidavit, notice, memorandum, or any other instrument that establishes a security interest in real property.
- (3) A contract, right of refusal, or any other instrument that purports to establish an interest, encumbrance, claim, or right relating to real property.

(b) The actual owner of an interest in real property subject to a recorded false, fictitious, or fraudulent instrument may seek expedited relief under this section by filing an action in district court alleging the filing or recording of a false, fictitious, or fraudulent instrument in a public record or a private record generally available to the public. The notice shall be served and proof of service shall be made in any manner provided by the Rules of Civil Procedure for service of summons, including service by registered mail or certified mail, return receipt requested. After a minimum of five days' notice in a manner prescribed in Rule 5 of the Rules of Civil Procedure and opportunity to be heard to all persons claiming an ownership interest in the property, any lienholder of record, including any person to whom a security instrument directs notice to be sent and any person obligated to repay the indebtedness secured by the instrument, the court shall convene a hearing. For purposes of the notice requirement in this subsection, the party seeking relief may serve the person listed as grantor in the recorded purportedly false, fictitious, or fraudulent instrument at the address listed in the instrument. If the court finds that there is no statutory, contractual, or other merited legal justification for the instrument, the court shall find that the recorded instrument is false and void as a matter of law and shall enter an order to remove the cloud from the title to the real property. The submission of an original instrument demonstrating source of title, affidavit, or a lis pendens, notice of previous fraud, or other similar instrument recorded by the actual owner of an interest in the real property shall be considered evidence of fraudulent activity. The court may also include in the order any of the following types of relief:

- (1) Grant to a prevailing party possession of the real property and order the ejectment of any party on the premises.
- (2) Award attorneys' fees and other costs for the action to the prevailing party.
- (3) Stay any proceedings involving the subject real property in which the property owner or owners are not a party to.
- (4) Upon a finding by the court that an action filed under this section is frivolous or malicious, assess a civil penalty of not more than ten thousand dollars (\$10,000), of which the clear proceeds assessed under this subdivision shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.
- (5) Upon a finding by the court that a party has presented for filing or recording a false, fictitious, or fraudulent instrument as described in this section more than once, enter a pre-filing injunction against the party.
- (6) Enjoin a party from listing the real property for sale, lease, or any other similar advertisement.

(c) Upon being presented with an order duly issued by a court of competent jurisdiction of this State declaring that an instrument already recorded is false and void as a matter of law, the register of deeds or clerk of superior court that received the recording shall record and cross-index the court's order finding the instrument to be false. The register of deeds or clerk of superior court may also conspicuously mark on the first page of the original record previously recorded the following statement: "THE CLAIM ASSERTED IN THIS DOCUMENT IS FALSE AND IS NOT PROVIDED FOR BY THE GENERAL LAWS OF THIS STATE."

(d) In addition to any civil penalties provided for in this section, the presentation of an instrument for recording with a register of deeds or a clerk of superior court that is determined to be materially false, fictitious, or fraudulent shall constitute a violation of G.S. 75-1.1.

(e) The Administrative Office of the Courts shall develop a form for the expedited relief filing established by this section and the clerk of superior court shall make the form available for a petitioner. In addition to the requirements set forth in this section, the form shall include clear language notifying the filing party that providing false information or statements is perjury pursuant to G.S. 14-209 and punishable as a Class F felony."

1 **SECTION 5.** Article 4 of Chapter 47 of the General Statutes is amended by adding
2 a new section to read:

3 **"§ 47-108.30. No presumption of priority for certain recorded instruments.**

4 A deed or conveyance of an interest in real property shall not have a presumption of priority
5 based upon the time of registration and shall not constitute color of title if any of the following
6 criteria are met:

7 (1) The deed or conveyance does not comply with the provisions of G.S. 47-18,
8 47-20, 47-118, 47-119, 47-119.1, or 47-120, as applicable.

9 (2) The deed or conveyance does not contain a signature and acknowledgement
10 of at least one record owner at the time the conveyance is made."

11 **SECTION 6.** Section 1 of this act becomes effective December 1, 2025, and applies
12 to offenses committed on or after that date. Sections 2, 3, and 5 of this act become effective
13 October 1, 2025, and apply to instruments and documents presented for registration on or after
14 that date. Section 4 of this act becomes effective October 1, 2025, and applies to causes of action
15 arising on or after that date. The remainder of this act is effective when it becomes law.