

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 912
Judiciary I Committee Substitute Adopted 4/23/01

Short Title: Penalty for Filing False Statutory Lien.

(Public)

Sponsors:

Referred to:

April 5, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CLERK OF SUPERIOR COURT TO REFUSE TO
3 INDEX, DOCKET, OR RECORD FRAUDULENT CLAIMS OF LIEN AND TO
4 PROVIDE FOR PENALTIES FOR FILING FALSE STATUTORY LIENS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 2 of Chapter 44A of the General Statutes is amended
7 by adding a new section to read:

8 "**§ 44A-25. No docketing of lien unless authorized by statute.**

9 (a) No claim of lien or other document purporting to claim or assert a lien on real
10 property shall be indexed, docketed, or recorded by the clerk of superior court or by the
11 register of deeds in such a way as to affect the title to any real property unless the
12 document:

13 (1) Is offered for filing pursuant to this Article or to another statute of this
14 State that provides for indexing and docketing of claims of lien on real
15 property; and

16 (2) Appears on its face to contain all of the information required by the
17 statute pursuant to which it is offered for filing.

18 (b) Any person who causes or attempts to cause a claim of lien or other document
19 to be filed, knowing that the filing is not authorized by statute, or with the intent that the
20 filing is made for an improper purpose such as to hinder, harass, or otherwise
21 wrongfully interfere with any person, shall be guilty of a Class 1 misdemeanor."

22 SECTION 2. This act becomes effective December 1, 2001, and applies to
23 offenses committed on or after that date.