An Update on the Register of Deeds Records Retention Schedule

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As we announced last year, the Government Records Section at the State Archives of North Carolina is working on updating several Local Government Retention Schedules. Today, we'd like to give you an update on the Register of Deeds schedule.

You can jump to a specific topic using the links below.

Standards

Disposition Instructions

New Records Series

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Standards

Previously the Register of Deeds Schedule was made up of only one standard. To bring it more in line with current schedule formatting, it has been broken into five standards. As the Register of Deeds Retention Schedule should be used in conjunction with the General Schedule for Local Government Agencies, which has nine standards, the Register of Deeds starts at standard ten.

Standard 10: Land and Property Records contains all record series related to ownership, transfer, and leasing of land and property.

Standard 11: Licenses, Oaths, and Registrations contains record series related to registrations of assumed business names, corporations, and official oaths taken by notaries public.

Standard 12: Marriage and Vital Statistics contains record series related to major life events such as birth, marriage, death, and disinterment/reinterment.

Standard 13: Miscellaneous Records contains record series for other records produced or received by the office of the Register of Deeds.

Standard 14: Inactive Records contains the historical record series that are housed in the Office of the Register of the Deeds or those record series that were previously collected by the Office of the Register of the Deeds.

Disposition Instructions

While the formatting and many of the citations were updated as part of the review of the Register of Deeds retention schedule, there were few changes that needed to be made to the Disposition Instructions for any record series. The Disposition Instructions that were updated are highlighted below:

Standard 11: Licenses, Oaths, and Registrations

- **Notaries Public Records and Index**
  - Current Disposition:
    - a) Retain "Record of Notaries Public" in office permanently.
    - b) Return "white" copy of transmittal to Notary Public Section once applicant takes oath and receives certificate.
    - c) Destroy in office "yellow" copy of transmittal and orders for revocation or resignation when administrative value ends. Agency Policy: Destroy in office after _____
    - d) Return transmittals for applicants failing to appear within 90 days to Notary Public Section.
  - Proposed Disposition:
    - a) Retain "Record of Notaries Public" in office permanently.
    - b) Return a scanned copy of the oath to Notary Public Section and give the applicant the certificate.
    - c) Destroy in office the original paper copy of the oath when reference value ends. Agency Policy: Destroy in office after _____

Standard 12: Marriage and Vital Statistics

- **Vital Records: Applications For Certified Copies** (Proposed Title Change: Applications for Certified Copies)
  - Current Disposition:
    - a) Destroy in office 1 year from date of request if copies are issued and/or received by requestor.
    - b) Destroy in office 3 years from date of request if copies are not issued and/or received by requestor
  - Proposed Disposition:
    - Destroy in office 2 years from date of request.

Standard 13: Miscellaneous Records

- **Armed Forces Discharges Authorization to Record and Request Copy Form** (Proposed Title Change: Armed Forces Discharges Authorization Forms)
  - Current Disposition:
    - Retain with the related ARMED FORCES DISCHARGES PRESENTATION FOR RECORDING FORMS, item 4, page 56; or with the related ARMED FORCES DISCHARGES REQUEST FOR COPY FORMS, item 5, page 56.
  - Proposed Disposition:
    - a) Retain forms authorizing an agent or representative to record an Armed Forces Discharge for 1 year from date discharge is filed.
    - b) Retain forms authorizing an agent or representative to request a copy of an Armed Forces Discharge for 1 year from date of request.

Standard 14: Inactive Records

- **Juror Lists and Records**
  - Current Disposition:
    - Series now under custody of Clerk of Court.
  - Proposed Disposition:
    - a) Series discontinued in Register of Deeds Office. Transfer records created prior to 1970 to the State Archives.
    - b) Series discontinued in Register of Deeds Office. Transfer records created after 1970 to Clerk of Court.

- **Land Sold for Taxes and Index**
  - Current Disposition:
    - Destroy in office upon State Archives of North Carolina approval.
  - Proposed Disposition:
    - Series discontinued. Transfer to State Archives of North Carolina.

- **Merchant Returns And Index**
  - Current Disposition:
    - Series discontinued. Destroy in office upon State Archives of North Carolina approval.
  - Proposed Disposition:
    - Series discontinued. Destroy in office 3 years after receipt.

- **Strays, Record Of**
  - Current Disposition:
    - Series transferred to County Sheriff Office. Destroy in office upon State Archives of North Carolina approval
  - Proposed Disposition:
    - Series discontinued in Register of Deeds Office. Transfer records to County Sheriff's Office.

New Records Series

We have also added one new record series to the retention schedule based on feedback that we received from Register of Deeds Offices across the state. This record series will fall under **Standard 13: Miscellaneous Records.**

- **Records Series: Notice of Error**
- **Description:** Forms, affidavits, and related records documenting errors made on records, not including amendments to vital records, in the Register of Deeds office.
- **Disposition Instructions:** Follow disposition instructions for original record, i.e. record to be corrected.

Transfer Eligibility

Finally, the Government Records Section has designated certain record series as being eligible for transfer to the State Archives if the records are bound and are more than 30 years old or have severe conservation concerns. This list is below:

- Cemetery Lists
- Deeds, Record Of And Index
- Deeds Of Trust (Mortgages), Record Of And Index
- Land Entry Book
- Land Grant Register
- Marriage Licenses
- Marriage Register

As the Government Records Section finalizes the updates to the Register of Deeds Retention Schedule, we would love to hear from you. Please contact Kayla Leonard, Essential Records Analyst, at kayla.leonard@dncr.nc.gov if you have any questions, concerns, or anything that needs to be added to the schedule.