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The Quill – May 2023



THE QUILL ARTICLE

Good Fences Make Good Neighbors, but Surveys Make Great Neighbors!

Today, I want to discuss surveys with you all. It's a straightforward topic and I'm sure you all encourage your buyer to get one at closing. I want to take the time to reinforce the need for a purchaser to obtain a current survey, mostly because we continue to see title claims that could have been averted with a survey of the property.

When I handled closing transactions, I always enjoyed going over the survey with the buyers at the closing table. It really helped everyone visualize the property at issue. We would go over the lot lines (obviously), but also the setbacks, projections, encroachments, any creeks, ponds, or lakes, and finally easements.

Best practice is to get the survey at least a week before closing. Then, if you discover the driveway was actually a shared driveway and needs a joint maintenance

agreement, you aren't trying to scramble for a remedy. Also, shared driveways are the sort of problem that can take weeks to fix if you have the wrong combination of sellers, buyers and neighbors. Some neighbors have always had a "handshake" agreement when dealing with maintenance and refuse to do anything more substantial. But, lenders usually require these kinds of things to be in writing and on record. Getting a survey early in the closing process gives everyone time to agree to the easement and execute the documents before coming to the closing table. Attorneys have time to counsel their clients about the benefits, responsibilities, and ramifications of the easements. No one wants to push this through at the last minute. That's when tempers run high, and deals can fall apart.

If the survey discloses a utility easement running right across the backyard, instead of just along the back of the lot, suddenly any plans for an in-ground pool are dashed!

From a title perspective, we love it when there's a new survey on the property so we can confirm the main structure isn't sitting over a reinforced concrete pipe, or heaven forbid, in the middle of a neighbor's septic drain field (I have actually seen this happen).

The number one reason we push to have a survey completed on the property is to confirm the boundary lines. It's really that simple. We want to ensure the transaction is covering the property everyone thinks it's covering. Is the property actually a rectangle? Or is it an odd shape with just that little extra part tacked on? And if it is a rectangle, is it where you think it is?

Maybe you don't always need a new survey, but you should always take the time to inspect all the surveys/recorded plats you do have! Builders have been known to change the lot lines of whole blocks in their new subdivisions. An easement or common area is added and all the lots shift over 10 feet. That means the old subdivision survey is incorrect and you have to rely on the revised survey. Careful and thorough review of the title record should prevent a conveyance using the wrong survey, but we're all human. Exchanging Quit Claim Deeds, obtaining Deeds of Correction, updating the title search, and likely, Reaffirmations for any Deeds of Trust, will clean up this title issue. Please do not hesitate to reach out to Barristers Title should you need assistance with remedying a conveyance using an old subdivision survey.

What if nothing has changed on your property since the last survey, but you still want survey coverage on the purchaser's policy? We like to take a look at these on a case-by-case basis. Please reach out to us so we can confirm what's right for your file and if a No Change Affidavit is a viable option. A copy of our No Change Affidavit is available in our form bank on the Barristers Title website. You can access the form by clicking [**HERE**](#) and scrolling to the Survey Affidavit (Seller) – No Changes to Existing Survey.

~Sarah Fuentes, Underwriting Counsel

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THE QUILL TIP

North Carolina Real Property Liens Reference Guide

Here at Barristers we are constantly looking for ways to bring value to our favorite people...our customers! To that end, the link below will take you to a quick reference guide we have compiled that provides critical statute of limitations dates for liens that have the ability to impact real property. How long does a lien claimant have to perfect? How long do judgment liens have before they expire? Answers to those questions and many more are contained in our handy guide.

We think this will be helpful to you when analyzing some of the many issues you face on a daily basis. The guide is not intended, however, to replace specific questions you may have for us. We love interacting with all of you and we understand that there may be variations of fact patterns that require more analysis than a quick reference guide can supply. We're always happy to talk through an issue with you!

Click [HERE](#) to download a printable version of the North Carolina Real Property Lien reference guide.



North Carolina Real Property Liens

as of March 2023

Attachment	N.C.G.S. Citation	Lien Duration	Notes and Comments
Attachment	§1-440.1 et. seq.	10 yrs. for judgment lien	Attachment may be filed only ancillary to a principal civil filing; lien dates from docketing of Sheriff's certificate of levy with CSC (§1-440.17); once judgment is rendered in the underlying suit, the property under the attachment lien must be released or sold to satisfy the underlying judgment--N.C.G.S. §1-440.46(2)
Ad valorem property tax	§105-355, §105-362, §105-378	10 years	Super priority lien*; action to foreclose tax lien must be brought within 10 years from date taxes are due; attaches only to the real estate parcel taxed, except taxes on the taxpayer's personal property are a lien on all the taxpayer's real property. Change in ownership does not release lien.
Alimony, post separation support	§50-16.7(i)	10 yrs. for judgment lien	A judgment for alimony or post separation support is not a lien against real property unless the judgment expressly so provides, sets out a sum certain, and adequately describes the real property affected; past-due periodic payments may by motion in the cause or by a separate action be reduced to judgment which are a lien as other judgments
Ambulance service	§44-51.1	10 years	Ten years from date of transport, or 3 years from date of recipient's death. Notice of lien must be filed in Clerk's office within 90 days of date ambulance service was provided.
CERCLA	42 USC §§ 9607	3 or 6 years from; call for details	Federal environmental lien; filed in County CSC's office per N.C.G.S. §44-68.11
Child support	§44-86	10 years	Established by docketing of notice with CSC of support arrearage in excess of three months, or over \$3,000
Condominium association assessment	§47C-3-116(a)	3 yrs. to enforce lien	Levied assessments that remain unpaid for 30 days or longer result in a lien when a claim is duly filed in Clerk's office. Lien may be enforced only by foreclosure; action to enforce lien must be brought within three years of the lien's docketing §47C-3-116c

GET TO KNOW

{A DAY IN THE LIFE EDITION}

Tiffany Storms, Underwriter

1. Favorite Breakfast? **Toad in a Hole & Orange Juice.**

2. Coffee vs Tea? **Coffee – All-time Fav Starbucks Mocha or Starbucks Espresso & Cream Energy Drinks.**

3. Do you prefer working from home or in an office? **Depends, I like working in the office because I get to interact with everyone, but I do enjoy working from home because I can have a PJ Party.**

4. Dinner at the table or on the couch? **Couch, I'm guilty of having dinner while watching TV.**

5. What is your favorite dessert? **Amelie's French Bakery – Fruit Tarts.**

6. What are you currently watching? **Cutthroat Kitchen.**

7. If you had one free hour in your day, what would you do? **Playing fishing with my cats with a wand toy.**

8. Are you a morning person or night owl? **Morning Person.**

9. What is your bedtime? **10pm or 11pm.**

10. Tell us an interesting fact about yourself that we may not know. **I went skydiving in my own house. I was upstairs in my attic and took a step back off the landing trying to take a picture of my HVAC unit. That caused me to fall 2 stories down the stairs and landing on the bottom landing. I fractured my back in 2 areas and it wasn't that bad. I made it to the hospital without an ambulance.**



PLEASE JOIN US

Luau Dinner Under the Stars – Friday,
May 19th

Fidelity National Title will be hosting it's annual dinner event after the Real Property Section Meeting on Friday, May 19th, at Mingo Point, Kiawah Island Golf Resort. This will be a wonderful evening of food and fellowship – luau style – and we can't wait to see you there! See the flyer below for more information.

Please RSVP to summer.hogan@fnf.com.



MAY
19TH

Aloha!

PLEASE JOIN US FOR A LUAU
UNDER THE STARS AT MINGO POINT
KIAWAH ISLAND GOLF RESORT



Friday, May 19th, from 6:30pm - 9:30pm
One Sanctuary Beach Dr., Kiawah Island

- *Dinner, drinks and entertainment included*
- *Shuttles provided to and from the resort*
- *Please RSVP as soon as possible.*



DID YOU KNOW?

Did You Know? Fidelity National Financial is Barristers Title Services' parent company. We are proud to be a part of a company that was recently voted #2 out of 35 for the most trustworthy insurance companies in America and also one of America's greatest workplaces for diversity and women in 2023!

Click [HERE](#) to read about Newsweek's Most Trustworthy Companies in America for 2023. Read in Newsweek about America's Greatest Work Places for Diversity [HERE](#) and about America's Greatest Work Places for Women [HERE](#).



WHAT WE'RE LISTENING TO

The Working Genius Podcast

Do you love to watch shows and movies, read books and listen to podcasts? We do too! So we've decided that The Quill would be a great place to share our favorites with you.

Christine is currently listening to *"What is Your Genius? The Working Genius Podcast with Patrick Lencioni"*. In the first episode of the Working Genius Podcast, Pat and Cody express their excitement around the new show, talk about some of the topics that will be covered, and reintroduce the 64th episode of the At the Table podcast, "What is Your Genius?" Click [**HERE**](#) to listen.

If anyone listens to this podcast and wants to geek out on the Working Genius, [**email Christine!**](#) She loves to talk about it!

THE QUILL RECIPE

Copycat Shoney's Strawberry Pie



(Photo Credit: CopyKat Recipes blog)

Raise your hand if you remember Shoney's! We can't claim this recipe as ours, but we have made it and can vouch for it's deliciousness! In proper strawberry season fashion, we thought this would be the perfect recipe to share. Click [HERE](#) for the recipe and enjoy!

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Barristers Title Services underwrites for Fidelity National Title and First American Title.

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