

12 NCAC 02H .0116 NOTATION OF TERMINATION OF LEASES

When a lease has been noted upon the registration book and upon the owner's duplicate certificate as an incumbrance, and the lease has been determined by lapse of time, merger, surrender, reentry or otherwise, the register of deeds may note its determination in the registration book, and upon the owner's duplicate certificate, upon the surrender of the lessee's duplicate certificate, if such certificate has been issued; but if no such certificate has been issued, the register of deeds shall note the determination of the lease only upon the written consent of the lessee, or order of the court as hereinafter provided.

In case the lessee neglects or refuses to give his consent in writing to the entry of a memorandum of the determination of the lease, the owner of the registered land or any person interested in it may apply to the clerk of the superior court for an order directing the entry of such memorandum, and upon notice of such application to the lessee and other persons interested, and the production of such evidence as shall satisfy the court that the lease has terminated, the court shall make such order.

*History Note: Authority G.S. 43-3;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*