



NORTH CAROLINA

REAL ESTATE LICENSING BOARD

Real Estate Bulletin

VOLUME 5

SUMMER QUARTER 1974

NUMBER 2

NEW BOARD MEMBERS

Mr. Joe O. Brewer of Wilkesboro and Mr. Rufus L. Brock of Mocksville became members of the North Carolina Real Estate Licensing Board on August 14, 1974, by appointment of Governor James E. Holshouser, Jr. They were appointed to terms expiring July 31, 1977. The new members replace Mr. A. P. Carlton of Greensboro and Mr. Henry C. Doby, Jr., of Albemarle whose terms expired.



JOE O. BREWER

Joe O. Brewer is the son of G. Justus and Ada Brewer of Moravian Falls, North Carolina. He graduated from the University of North Carolina at Chapel Hill with a B.S. degree in 1960 and a LL.B degree in 1962. He studied music at Catawba College and the Detroit Conservatory. He served in the U. S. Army as a 2nd Lt., Anti-Aircraft Artillery.

Joe is a partner in the law firm of Brewer & Bryan, 105 East Main Street, Wilkesboro. He served in the N. C. House of Representatives in 1965-66. His memberships include N. C. Academy of Trial Lawyers, Wilkes County Bar Association, N. C. and American Bar Associations, N. C. State Bar, 1973-74 president of the 23rd Judicial District Bar, and past president of the Wilkesboro Business & Professional Men's Club.

Joe is married to the former Lillie Bryan and they have two children, Gregory, age 16 and Tonya, age 7. They attend the Wilkesboro Church of Christ.



RUFUS LEO BROCK

Rufus Leo Brock was born August 9, 1937, in Davie County to Mrs. Laura Tabor Brock and the late State Senator Burr Coley Brock, Sr. He attended Farmington High School and the University of North Carolina at Chapel Hill and served in the U. S. Army.

Rufus is a partner in the Mocksville Insurance Agency and is a real estate broker. He is a member of Farmington Masonic Lodge No. 265, the Mocksville Lions Club and past president of the Farmington Ruritan Club. He is a member of the Appalachian Commission, Friends of State Parks, and is a second vice-president of the Northwest Environmental Preservation Committee, Inc. He serves on the Davie County Planning Board and the Davie County Republican Executive Committee.

Rufus is married to the former Margaret Jo Harpe. They have a daughter, Laura, who is 9, and two sons, Neil, 5, and Andrew, 4 months. They attend Farmington United Methodist Church.

NEW RECIPROCAL AGREEMENT

The Licensing Board is pleased to announce that, at a recent meeting with the members of the Virginia Real Estate Commission, a new agreement for the exchange of reciprocity between the two states was executed and is now in effect.

In accordance with the agreement, licensees in one state may be licensed by the other state without examination, provided they meet the following educational or experience qualifications:

Broker Applicants:

1. Must be licensed as a broker and have been actively engaged full time as a broker and/or salesman for at least one year immediately preceding the filing of the application, **and**
2. Must have passed the Princeton Educational Testing Service broker examination with a score of at least 75% on each section of the examination, **or**
3. Must be licensed as a broker and have been actively engaged full time as a broker and/or salesman for at least three years immediately preceding the filing of the application.

Salesman Applicants:

1. Must be licensed and actively engaged as a real estate salesman, **and**
2. Must have passed the Princeton Educational Testing Service salesman examination with a score of at least 75% on each section of the examination, **or**
3. Must be licensed and actively engaged full time as a salesman for a period of at least one year immediately preceding the filing of the application.

REAL ESTATE BULLETIN

Published quarterly as a service to real estate licensees to promote a better understanding of the Real Estate Licensing Law, Rules and Regulations, and proficiency in ethical real estate practice.

NORTH CAROLINA REAL ESTATE LICENSING BOARD

813 BB&T Bldg.
Raleigh, North Carolina 27602
James E. Holshouser, Jr., Governor

BOARD MEMBERS

Billy E. Hinton, Chm. Clayton
C. Bayless Ridenhour,
V. Chm. Concord
Joe O. Brewer Wilkesboro
Rufus L. Brock Mocksville
Edwin W. Tenney, Jr. Chapel Hill

J. F. Schweidler Sec'y.-Treas.
Blanton Little Admin. Asst.

LICENSE STATISTICS

Licensees as of July 1, 1974
Brokers 16,491
Salesmen 3,125
19,616

Examination — April 1974
Passed Failed
Brokers 304 367
Salesmen 69 90

Examination — May 1974
Passed Failed
Brokers 218 514
Salesmen 77 75

Examination — June 1974
Passed Failed
Brokers 216 333
Salesmen 93 80

LICENSES SUSPENDED/REVOKED

MABEL B. WHITE, Statesville — re-
voked broker's license — Violation
of G.S. 93A-6(12), (13).

BASIL B. HURST, Jacksonville —
suspended broker's license for 60
days — Violation of G.S. 93A-6
(1), (8), (13), (14). (Appealed to
Superior Court).

WILDA HURST, Jacksonville — sus-
pended salesman's license for 60
days — Violation of G.S. 93A-6(1),
(8), (14). (Appealed to Superior
Court).

KENNETH FOSCUE, Atlantic Beach
— revoked broker's license — Vio-
lation of G.S. 93A-6(7), (8), (12).
(Appealed to Superior Court).

PHILIP H. QUIDLEY, Manteo —
revoked broker's license — Viola-
tion of G.S. 93A-6(8).

WANTED

The North Carolina Real Estate Licensing Board is interested in interviewing qualified applicants for the position of EDUCATIONAL CO-ORDINATOR to administer a new educational program to be developed by the Board.

The position requires a college AB or BS degree and will involve travel.

Send resume with salary requirements to:
N. C. Real Estate Licensing Board
P. O. Box 266
Raleigh, North Carolina 27602

BOARD OFFICERS

At the June meeting of the Li-
censing Board, Billy E. Hinton was
elected Chairman and C. Bayless
Ridenhour Vice Chairman to serve
for one year effective August 1,
1974.

BOARD MEMBERS HONORED

At the annual joint meeting of the
North East and North Central Dis-
tricts of the National Association of
Real Estate License Law Officials
(NARELLO) recently held in Toronto,
Canada, North Carolina Real Estate
Licensing Board members Edwin W.
Tenney, Jr., and C. Bayless Riden-
hour were nominated for the offices
of Vice President and Director for
the North Central District respective-
ly. They will be on the slate of candi-
dates for election at the 46th Annual
NARELLO Conference in Scottsdale,
Arizona, in November.

The North Central District is
composed of real estate commission-
ers and administrators from Dela-
ware, Maryland, North Carolina,
Ohio, Pennsylvania, Virginia, West
Virginia, and the District of Colum-
bia.

INJUNCTION ISSUED

In an action initiated by the North
Carolina Real Estate Licensing Board,
a Preliminary Injunction was issued
in the Superior Court of Mecklenburg
County on August 2, 1974, whereby
Richard M. Newsom of Charlotte was
ordered to immediately cease and
desist all activities as a real estate
salesman or broker in the State of
North Carolina until licensed by the
Licensing Board.

SALESMAN APPLICANTS

In accordance with an amend-
ment to Section 93A-4(a) of the
Licensing Law which became effec-
tive September 1, 1974, applicants
for salesman license are required
to complete a 30 classroom hour
real estate course in a school ap-
proved by the Board or shall fur-
nish evidence satisfactory to the
Board of experience in real estate
transactions equivalent to such
real estate education. The Board
will accept certificates of comple-
tion of current 30 hour courses in
approved schools. A list of these
courses will be furnished appli-
cants on request.

EXAMINATION SCHEDULE

FILING DATE

September 20, 1974
October 18

EXAM DATE

October 26, 1974
November 23

NO EXAM IN DECEMBER

December 20, 1974
January 17
February 14
March 21
April 18
May 23

January 25, 1975
February 22
March 22
April 26
May 24
June 28

Chapter 47A. Unit Ownership Act

Many brokers and salesmen have contacted the Licensing Board office for information concerning the North Carolina Condominium Law which was enacted in 1963. In order that licensees may be familiar with this law, the statute will be reproduced in this and following issues of the Bulletin.

§ 47A-1. **Short title.** — This chapter shall be known as the "Unit Ownership Act."

§ 47A-2. **Declaration creating unit ownership; recordation.** — Unit ownership may be created by an owner or the co-owners of a building by an express declaration of their intention to submit such property to the provisions of the chapter, which declaration shall be recorded in the office of the register of deeds of the county in which the property is situated.

§ 47A-3. **Definitions.** — Unless it is plainly evident from the context that a different meaning is intended, as used herein:

- (1) "Association of unit owners" means all of the unit owners acting as a group in accordance with the bylaws and declaration.
- (1a) "Building" means a building, or a group of buildings, each building containing one or more units, and comprising a part of the property; provided that the property shall contain not less than two units.
- (2) "Common areas and facilities," unless otherwise provided in the declaration or lawful amendments thereto, means and includes:
 - a. The land on which the building stands and such other land and improvements thereon as may be specifically included in the declaration, except any portion thereof included in a unit;
 - b. The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, and entrances and exits of the building;
 - c. The basements, yards, gardens, parking areas and storage spaces;
 - d. The premises for the lodging of janitors or persons in charge of property;
 - e. Installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning and incinerating;
 - f. The elevators, tanks, pumps, motors, fans, compressors, ducts, and in general, all apparatus and installations existing for common use;
 - g. Such community and commercial facilities as may be provided for in the declaration; and
 - h. All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.
- (3) "Common expenses" means and includes:
 - a. All sums lawfully assessed against the unit owners by the association of unit owners;
 - b. Expenses of administration, maintenance, repair or replacement of the common areas and facilities;
 - c. Expenses agreed upon as common expenses by the association of unit owners;
 - d. Expenses declared common expenses by the provisions of this chapter, or by the declaration or the bylaws;
 - e. Hazard insurance premiums, if required.
- (4) "Common profits" means the balance of all income, rents, profits, and revenues from the common areas and facilities remaining after the deductions of the common expenses.
- (5) "Condominium" means the ownership of single units in a multi-unit structure with common areas and facilities.
- (6) "Declaration" means the instrument, duly recorded, by which the property is submitted to the provisions of this chapter, as hereinafter provided, and such declaration as from time to time may be lawfully amended.
- (7) "Limited common areas and facilities" means and includes those common areas and facilities which are agreed upon by all the unit owners to be reserved for the use of a certain number of units to the exclusion of the other units, such as special corridors, stairways and elevators, sanitary services common to the units of a particular floor, and the like.
- (8) "Majority" or "majority of unit owners" means the owners of more than fifty per cent (50%) of the aggregate interest in the common areas and facilities as established by the declaration assembled at a duly called meeting of the unit owners.
- (9) "Person" means individual, corporation, partnership, association, trustee, or other legal entity.
- (10) "Property" means and includes the land, the building, all improvements and structures thereon and all easements, rights and appurtenances belonging thereto, and all articles of personal property intended for use in connection therewith, which have been or are intended to be submitted to the provisions of this chapter.
- (11) "Recordation" means to file of record in the office of the county register of deeds in the county where the land is situated, in the manner provided by law for recordation of instruments affecting real estate.
- (12) "Unit" or "condominium unit" means an enclosed space consisting of one or more rooms occupying all or a part of a floor or floors in a building of one or more floors or stories regardless of whether it be designed for residence, for office, for the operation of any industry or business, or for any other type of independent use and shall include such accessory spaces and areas as may be described in the declaration, such as garage space, storage space, balcony, terrace or patio, pro-

(Continued On Page 4)

(Continued From Page 3)

vided it has a direct exit to a thoroughfare or to a given common space leading to a thoroughfare.

- (13) "Unit designation" means the number, letter, or combination thereof designating the unit in the declaration.
- (14) "Unit owner" means a person, corporation, partnership, association, trust or other legal entity, or any combination thereof, who owns a unit within the building.

§ 47A-4. Property subject to chapter. — This chapter shall be applicable only to property, the full owner or all of the owners of which submit the same to the provisions hereof by duly executing and recording a declaration as hereinafter provided.

§ 47A-5. Nature and incidents of unit ownership. — Unit ownership as created and defined in this chapter shall vest in the holder exclusive ownership and possession with all the incidents of real property. A condominium unit in the building may be individually conveyed, leased and encumbered and may be inherited or devised by will, as if it were solely and entirely independent of the other condominium units in the building of which it forms a part. Such a unit may be held and owned by more than one person either as tenants in common or tenants by the entirety or in any other manner recognized under the laws of this State.

§ 47A-6. Undivided interests in common areas and facilities; ratio fixed in declaration; conveyance with unit. — (a) Each unit owner shall be entitled to an undivided interest in the common areas and facilities in the ratio expressed in the declaration. Such ratio shall be in the approximate relation that the fair market value of the unit at the date of the declaration bears to the then aggregate fair market value of all the units having an interest in said common areas and facilities.

(b) The ratio of the undivided interest of each unit owner in the common areas and facilities as expressed in the declaration shall have a permanent character and shall not be altered except with the

unanimous consent of all unit owners expressed in an amended declaration duly recorded.

(c) The undivided interest in the common areas and facilities shall not be separated from the unit to which it appertains and shall be deemed conveyed or encumbered with the unit even though such interest is not expressly mentioned or described in the conveyance or other instrument.

§ 47A-7. Common areas and facilities not subject to partition or division. — The common areas and facilities shall remain undivided and no unit owner or any other person shall bring any action for partition or division of any part thereof, unless the property has been removed from the provisions of this chapter as provided in §§ 47A-16 and 47A-25. Any covenant to the contrary shall be null and void. This restraint against partition shall not apply to the individual condominium unit.

§ 47A-8. Use of common areas and facilities. — Each unit owner may use the common areas and facilities in accordance with the purpose for which they are intended, without hindering or encroaching upon the lawful rights of the other unit owners.

§ 47A-9. Maintenance, repair and improvements to common areas and facilities; access to units for repairs. — The necessary work of maintenance, repair, and replacement of the common areas and facilities and the making of any additions or improvements thereto shall be carried out only as provided herein and in the bylaws. The association of unit owners shall have the irrevocable right, to be exercised by the manager or board of directors, or other managing body as provided in the bylaws, to have access to each unit from time to time during reasonable hours as may be necessary for the maintenance, repair or replacement of any of the common areas and facilities therein or accessible therefrom, or for making emergency repairs therein necessary to prevent damage to the common areas and facilities or to another unit or units.

(To Be Continued in Next Issue)

NCAR CONVENTION

The 53rd Annual Convention of the North Carolina Association of Realtors will be held on October 2-5, 1974, at the Grove Park Inn, Asheville, North Carolina. An outstanding educational program has been planned. Realtors are urged to attend. Contact J. L. Bichsel, NCAR, P. O. Box 6306, Greensboro, N. C., 27405, for registration.

NORTH CAROLINA
REAL ESTATE LICENSING BOARD
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