

220.26 FILING A FALSE [LIEN] [ENCUMBRANCE]. FELONY.

The defendant has been charged with [filing] [recording] a false [lien] [encumbrance].¹

For you to find the defendant guilty of this offense the State must prove three things beyond a reasonable doubt:

First, that defendant presented for [filing] [recording] in a [public record] [private record generally available to the public] a false² [lien] [encumbrance].³

Second, that the defendant [filed] [recorded] this false [lien] [encumbrance] against the [real] [personal] property of an owner or beneficial interest holder.

And Third, that the defendant [knew] [had reason to know] that the [lien] [encumbrance] [was false] [contained a materially [false] [fictitious] [fraudulent] statement or representation].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant presented for [filing] [recording] in a [public record] [private record generally available to the public] a [lien] [encumbrance], that the defendant filed this false [lien] [encumbrance] against the [real] [personal] property of an owner or beneficial interest holder, and that the defendant [knew] [had reason to know] that the [lien] [encumbrance] [was false] [contained a materially [false] [fictitious] [fraudulent] statement or representation], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.

N.C.P.I.-Crim. 220.26
FILING [FALSE LIEN] [ENCUMBRANCE]. FELONY.
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N.C. Gen. Stat. § 14-118.6

¹. N.C. Gen. Stat. § 14-118.6 (b) states, "In the case of a lien or encumbrance presented to the register of deeds for filing, if the register of deeds has a reasonable suspicion that the lien or encumbrance is false, the register of deeds may refuse to file the lien or encumbrance."

². False is one not legally enforceable.

³. An encumbrance is defined as a claim or liability that is attached to property or some other right and that may lessen its value. *County of Jackson v. Nichols*, 175 N.C. App. 196, 200 (2005). An encumbrance within the meaning of a covenant is any burden or charge on the land and includes any right existing in another whereby the use of the land by the owner is restricted. *Juhan v. Cozart*, 102 N.C. App. 666, 669 (1991).