

§ 93A-88.3. Recording prohibited.

(a) Recording an unfair real estate service agreement is prohibited. If an unfair real estate service agreement, or notice or memorandum thereof, has been recorded, it is void.

(b) All of the following shall apply to a recording that is void under subsection (a) of this section:

- (1) The recording shall not operate as a lien, encumbrance, or security interest.
- (2) No owner or buyer shall be required to record any document voiding the recording.
- (3) The recording shall not provide actual or constructive notice to any person interested in the residential real estate that is identified in the unfair real estate service agreement.
- (4) The recording violates G.S. 14-118.6(a).

(c) In addition to any other rights provided by law, any person with an interest in residential real estate identified by a recording that is void under subsection (a) of this section may recover damages, costs, and attorney's fees that may be proved against the service provider named in the unfair real estate service agreement. Any actual damages, costs, and attorney's fees that are proved against the service provider will not be offset by the consideration paid by the service provider to the owner or buyer of the residential real estate. (2023-117, s. 1.)