

# SENATE, No. 390

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## STATE OF NEW JERSEY 220th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Senator RONALD L. RICE**

**District 28 (Essex)**

**SYNOPSIS**

Enhances protections against fraudulent deed recordings.

**CURRENT VERSION OF TEXT**

As reported by the Senate Community and Urban Affairs Committee with technical review.



1 AN ACT enhancing protections against fraudulent deed recordings,  
2 designated the "Property Owner's Protection Act," and amending  
3 and supplementing P.L.1968, c.49.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. Section 2 of P.L.1968, c.49 (C.46:15-6) is amended to read  
9 as follows:

10 2. In addition to other prerequisites for recording, no deed  
11 evidencing transfer of title to real property shall be recorded in the  
12 office of any county recording officer unless it satisfies the  
13 following requirements:

14 a. If the transfer is subject to any fee established under section  
15 3 of P.L.1968, c.49 (C.46:15-7) or section 2 of P.L.2003, c.113  
16 (C.46:15-7.1), a statement of the true consideration for the transfer  
17 shall be contained in the deed, the acknowledgment, the proof of the  
18 execution, or an appended affidavit by one of the parties to the deed  
19 or that party's legal representative.

20 b. If the transfer is exempt from any fee established under  
21 section 3 of P.L.1968, c.49 (C.46:15-7) or section 2 of P.L.2003,  
22 c.113 (C.46:15-7.1), an affidavit stating the basis for the exemption  
23 shall be appended to the deed.

24 c. If the transfer is of real property upon which there is new  
25 construction, the words "NEW CONSTRUCTION" in upper case  
26 lettering shall be printed clearly at the top of the first page of the  
27 deed, and an affidavit by the grantor stating that the transfer is of  
28 property upon which there is new construction shall be appended to  
29 the deed.

30 d. Any party or other person submitting a deed for recordation  
31 shall submit an affidavit of title.

32 e. (1) The county recording officer shall notify the transferor  
33 of the recording.

34 (2) The county recording officer shall collect an additional fee  
35 of \$2 per deed recording to offset the costs of notification.

36 (cf: P.L.2004, c.66, s.2)  
37

38 2. (New section) In order to aid in the effectuation of the  
39 notification requirement under subsection e. of section 2 of  
40 P.L.1968, c.49 (C.46:15-6), the county recording office shall allow  
41 a property owner to submit information on his or her preferred  
42 mailing address, or e-mail address, or both, through which to be  
43 notified of a deed recording. The county recording officer shall  
44 retain the contact information along with the deed.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

**S390 RICE**

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1       3. This act shall take effect on the first day of the third month  
2 next following enactment.