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SENATE, No. 1649

STATE OF NEW JERSEY

212th LEGISLATURE

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Sponsored by:

Senator RONALD L. RICE

District 28 (Essex)

SYNOPSIS

Revises law relating to title recordation.

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee on November 13, 2006, with amendments.



1 AN ACT concerning title recordation and revising various parts of
2 the statutory law.

3
4 BE IT ENACTED *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Three additional chapters, chapters 26A, 26B, 26C are added
8 to Title 46 of the Revised Statutes as follows:

9
10 TITLE 46
11 CHAPTER 26A
12 RECORDING
13

14 46:26A-1. Definitions: document and recorded.

15 For the purpose of this chapter:

16 a. "Document" includes both:

17 (1) paper documents, and

18 (2) electronic documents, documents created, communicated or
19 stored by electronic means;

20 b. A document is "recorded" if:

21 (1) the document or its image has been placed in the permanent
22 records of the recording office, and

23 (2) the document has been indexed as provided by this chapter.

24 Source: New
25

26 46:26A-2. Documents that may be recorded.

27 Documents affecting real ¹**[estate]** property¹ entitled to
28 recording are:

29 a. deeds or other conveyances, releases, or declarations of trust
30 of any interest;

31 b. powers of attorney for conveyance or release of any interest;

32 c. leases, or memoranda of leases, for life or a term not less than
33 two years;

34 d. mortgages or other conveyances in the nature of a mortgage;

35 e. liens or encumbrances and releases of liens or encumbrances
36 on any interest;

37 f. assignments, discharges, cancellations, or releases;

38 g. options and rights of first refusal;

39 h. certified copies of judgments, decrees and orders of courts of
40 record;

41 i. reports of condemnation commissioners filed with the
42 Superior Court; ¹declarations of taking duly executed by executive
43 officials of condemnors in accordance with section 17 of P.L.1971,
44 c.361 (C.20:3-17);¹

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCU committee amendments adopted November 13, 2006.

j. notices of federal tax liens, liens arising from the federal "Comprehensive Environmental Response, Compensation and Liability Act of 1980," Pub.L.96-510 (42 U.S.C.9601 et seq.), and other federal liens, which any Act of Congress or regulation adopted pursuant to it provides for filing of notice in the recording office designated by a state, and certificates discharging such liens;

k. restrictions affecting the real '**[estate]** property' or its use;

l. notices of settlement as provided by this chapter;

m. maps as provided by this chapter;

n. condominium master deeds and unit deeds as defined by law;

o. cooperative master declarations and proprietary leases as defined by law;

p. any other document that affects title to any interest in real '**[estate]** property' in any way or contains any agreement in relation to real '**[estate]** property', or grants any right or interest in real '**[estate]** property' or grants any lien on real '**[estate]** property'; and

q. any other document relating to real '**[estate]** property' that is directed to be recorded by any statute or court order.

Source: 46:16-1.

46:26A-3. Prerequisites for recording.

a. A document satisfies the prerequisites for recording if it appears from the document or the image of it delivered to the recording office that:

(1) the document is in English or accompanied by a translation into English;

(2) the document bears a signature;

(3) the document (including a corrected document submitted for re-recording) is acknowledged or proved as provided by Title 46 of the Revised Statutes;

(4) the names are printed beneath all signatures that appear on the document;

(5) if the document is a deed conveying title to real '**[estate]** property', it

(a) fulfills the requirements of P.L.1968, c.49, s.2 (C.46:15-6), '**[and]**'

(b) includes a reference to the lot and block number of the real '**[estate]** property' conveyed as designated on the tax map of the municipality at the time of the conveyance or the account number of the real '**[estate]** property.

(c) includes the name of the person who prepared the deed, and

(d) includes the mailing address of the grantee'. If the real '**[estate]** property' has been subdivided, the reference shall be preceded by the words "part of." If no lot and block or account number has been assigned to the real '**[estate]** property', the deed shall state that fact, and

(6) if the document is an assignment, release or satisfaction of a mortgage or an agreement respecting a mortgage, it states the book and page number or the document identifying number of the mortgage to which it relates if the mortgage has been given such a number.

b. A document, whether made by an individual, corporation or other entity, is not required to be executed under seal, or to contain words referring to execution under seal.

Source: 46:15-1.1; 46:18-1.

46:26A-4. Exceptions to prerequisites to recording.

Notwithstanding the prerequisites to recording in section 26A-3, the following may be recorded:

a. documents that establish or evidence a trust under which a fiduciary has acquired real '**[estate] property**' if accompanied by an affidavit of the fiduciary that the document is an original trust document;

b. ancient documents that cannot be acknowledged or proved because of the death or other disability of the grantors and subscribing witnesses, accompanied by an affidavit made by a person claiming to derive title from the document stating that the affiant truly believes that quiet, continuous, adverse and undisturbed possession of the real '**[estate] property**' has been enjoyed by virtue of the document for the period applicable for adverse possession;

c. documents other than those listed in section 26A-2 that by their nature cannot be acknowledged or proved, accompanied by an affidavit made by a person claiming to derive title to the real '**[estate] property**' stating that the document is genuine and how the document relates to title to the real '**[estate] property**';

d. notices of federal tax liens, liens arising from the federal "Comprehensive Environmental Response, Compensation and Liability Act of 1980," Pub.L.96-510 (42 U.S.C. 9601 et seq.), and other federal liens, which any Act of Congress or regulation adopted pursuant to it provides for filing of notice in the recording office designated by a state, and certificates discharging such liens;

e. maps as provided by P.L. , c. (C.) (pending before the Legislature as this bill);

f. notices of settlement executed by an attorney at law or authorized representative of a party in accordance with P.L. , c. (C.) (pending before the Legislature as this bill);

g. certified copies of:

(1) judgments, decrees, or orders of any court of record and petitions filed in a United States Bankruptcy Court;

(2) government issued documents affecting title to real '**[estate] property, including declarations of takings duly executed by executive officials of condemnors in accordance with section 17 of P.L.1971, c.361, (C.20:3-17)**';

(3) documents recorded or filed in any public recording office in the United States;

'h. a recorded mortgage bearing an endorsement:

(1) authorizing cancellation of the mortgage signed by the mortgage holder; and

(2) made on the original mortgage that bears on it the receipt given by the county recording officer at the time it was recorded;'

and

'[h.] i.' any other document that is permitted by another statute to be recorded or filed without acknowledgment.

Source: 46:16-1.1; 46:16-4.1; 46:16-4.2; 46:16-4.3; 46:16-5.1; 46:16-7; 46:16-9; 46:16-10; 46:16-13; 46:16-14; 46:16-15; 46:16-17.

46:26A-5. Form of documents and maps; cover sheet or electronic synopsis.

a. To be accepted for recording, a document or its image shall be either:

(1) legibly printed on paper no larger than 8½ inches by 14 inches; or

(2) in compliance with regulations on the form of documents promulgated by the Division of Archives and Records Management in the Department of State.

b. A document or its image accepted for recording may be accompanied by a cover sheet or an electronic synopsis separate from the document or integrated with the document. The Division of Archives and Records Management in the Department of State shall establish forms for cover sheets and formats for electronic synopses. The form for a separate cover sheet shall be available at every recording office and on a web site maintained by the Division of Archives and Records Management. The cover sheet or electronic synopsis shall include:

(1) the nature of the document;

(2) the date of the document;

(3) the names of the parties to the document and any other names by which the document is to be indexed;

(4) if the document is a deed conveying title to real **'[estate] property'**:

(i) the lot and block number or other real property tax designation of the real **'[estate] property'** conveyed or a statement that the information is not available; **'[and]'**

(ii) the consideration for the conveyance; **'[and]'**

(iii) the mailing address of the grantee; and'

(5) if the document is an assignment, release or satisfaction of a mortgage or an agreement respecting a mortgage, it states the book and page number or the document identifying number of the mortgage to which it relates if the mortgage has been given such a

1 number.

2 c. If the person submitting the document for recording does not
3 include a cover sheet or electronic synopsis, the recording office
4 shall charge an additional fee of '~~ten dollars~~ \$20' for the
5 additional cost of indexing.

6 d. To be accepted for recording, a map shall be clearly and
7 legibly drawn in black ink on translucent tracing cloth, translucent
8 mylars at least 4 mils thick or its equivalent, of good quality, with
9 signatures in ink, or as an equivalent reproduction on photographic
10 fixed line mylar 4 mils thick with signatures in black ink or its
11 equivalent and accompanied by a cloth print or photographic fixed
12 line mylar 4 mils thick duplicate; and one of six standard sizes: 8
13 1/2" x 13", 30" x 42", 24" x 36", 11" x 17", 18" x 24" or 15" x 21"
14 as measured from cutting edges. If one sheet is not of sufficient
15 size to contain the entire territory, the map may be divided into
16 sections to be shown on separate sheets of equal sizes, with
17 references on each sheet to the adjoining sheets.

18 e. The regulations of the Division of Archives and Records
19 Management specifying the form of documents shall comply with
20 rules, standards and procedures authorized by the State Records
21 Committee pursuant to its authority under section 6 of P.L.1994,
22 c.140 (C.47:1-12) and the "Destruction of Public Records Law
23 (1953)," P.L.1953, c.410 (C.47:3-15 et seq.).

24 'f. A county recording office shall not be required to accept for
25 recording a cover sheet or electronic synopsis pursuant to
26 subsections (b) and (c) of this section until five years after the
27 effective date of P.L. , c. (C.) (pending before the Legislature
28 as this bill). This provision shall not operate to prevent or preclude
29 any county recording officer from adopting the use of the document
30 summary form or electronic synopsis prior to that date.'¹

31 Source: New; 46:19-3; 46:23-9.11.

32

33 46:26A-6. Duty to record; recording officer's books, methods.

34 a. The county recording officer shall record any document or
35 map affecting the title to real '~~estate~~ property' located in the
36 county, delivered for recording, provided the document:

37 (1) is in the form required by P.L. , c. (C.) (pending
38 before the Legislature as this bill),

39 (2) appears to comply with requirements for recording specified
40 in P.L. , c. (C.) (pending before the Legislature as this bill),
41 and

42 (3) is accompanied by payment of any required fee and any state
43 tax ¹, if applicable, except that a State agency shall be afforded an
44 opportunity to pay on a periodic basis on an account established
45 with the county recording officer'¹.

46 b. Every document or map shall be recorded and indexed not
47 later than two 'business' days after its receipt.

1 c. A document or map that is rejected shall be returned to the
2 person who delivered it for recording with a statement of all
3 grounds for its rejection within '~~two~~ three' business days after its
4 receipt.

5 d. When a document is recorded, a book and page number or
6 other permanent, unique document identifying number shall be
7 assigned to the document.

8 e. Recording shall be done by a method that:

9 (1) produces a clear, accurate and permanent image of a
10 document,

11 (2) allows the document to be found by use of the indexes
12 maintained, and

13 (3) is authorized by R.S.47:1-5 and is in conformance with
14 rules, standards and procedures promulgated by the Division of
15 Archives and Records Management in the Department of State and
16 approved by the State Records Committee pursuant to its authority
17 under section 6 of P.L.1994, c.140 (C.47:1-12) and the "Destruction
18 of Public Records Law (1953)," P.L.1953, c.410 (C.47:3-15 et seq.).

19 f. For documents recorded before the effective date of P.L. ,
20 c. (C.) (pending before the Legislature as this bill), the
21 recording office shall:

22 (1) retain the documents or clear, accurate and permanent
23 images of the documents, and

24 (2) maintain indexes that allow the documents to be found.

25 g. The Division of Archives and Records Management and the
26 State Records Committee shall consult with the Office of
27 Telecommunications and Information Systems in the Department of
28 the Treasury in the development of general technical standards for
29 record keeping. Notwithstanding any general technical standards
30 developed pursuant to this section, the State Records Committee
31 may adopt rules and regulations to authorize pilot programs for
32 various individual counties in order to evaluate alternative
33 technologies for the preservation of records.

34 'h. When a discharge, assignment, extension or postponement of
35 a mortgage is recorded, the recording officer may make a marginal
36 notation on the mortgage affected indicating the book and page
37 number or document identifying number of the discharge,
38 assignment, extension or postponement.'¹

39 Source: 46:19-1; 46:19-3; 46:8D-4.

40

41 46:26A-7. Receipts for documents presented for record.

42 Upon request, the county recording officer shall:

43 a. furnish a receipt for the document and fees paid; and

44 b. return a copy of the document with the date and time it was
45 received for recording, the fee paid, and the book and page number
46 or other permanent, unique document identifying number assigned
47 to the document. If the copy returned is a paper document, the
48 information shall be endorsed on the document. 'If the copy

1 returned is an electronic document, then the receipt shall be sent
2 electronically.¹

3 Source: 46:19-4; 46:19-5.

4
5 46:26A-8. Indexes; entries.

6 a. The county recording officer shall maintain one index of all
7 recorded documents and may make other separate, classified,
8 analytical or combination indexes.

9 b. A deed or other conveyance shall be indexed by the names of
10 its grantors and grantees, and also shall be indexed by the name of:

11 (1) the testator or intestate if a deed or other conveyance is made
12 by executors or administrators;

13 (2) the person granting the power of attorney if a deed is made
14 under power of attorney;

15 (3) the defendants in the execution for which the sale was made
16 if a deed is made by a sheriff; and

17 (4) the person whose property has been conveyed if a deed is
18 made by a person appointed to convey property by a court.

19 c. A mortgage shall be indexed by the names of the mortgagors
20 and mortgagees.

21 d. An assignment, extension, postponement, modification or
22 discharge of a mortgage shall be indexed by the names of the
23 mortgagors, assignors and assignees.

24 e. A trust instrument shall be indexed by the names of the
25 parties to the instrument and in the names of beneficiaries if they
26 appear.

27 f. Any other document shall be indexed by the names of the
28 parties to it.

29 g. A document shall also be indexed by additional names
30 requested by the person submitting the document for recording ¹if
31 an affidavit is presented at the time the document is presented for
32 recording attesting to the need for indexing the document by the
33 additional names supplied¹.

34 h. A document shall be indexed from the information supplied
35 on its cover sheet or electronic synopsis if one is submitted. A
36 recording officer shall not be liable for differences between the
37 cover sheet or electronic synopsis and the document.

38 ¹i. If a law requires a notation be placed on or in the margin of
39 any recorded or filed document, the statutory requirement for
40 marginal notations shall be satisfied by recording and indexing the
41 document.¹

42 Source: 46:20-1; 46:20-3; 46:20-5; 46:19-2.

43
44 46:26A-9. Sequence of recording.

45 The county recording officer shall record and index documents
46 in the order received. If two documents affecting the same property
47 are submitted for recording by the same person and are received at
48 the same time, the county recording officer shall record and index

1 the documents in the order requested by the person who submitted
2 them.
3 Source: New; 46:19-3; 46:20-2.
4
5 46:26A-10. Documents filed as provided by other statutes.
6 When a statute outside of this chapter provides that a document
7 relating to real '**[estate] property**' be filed rather than recorded:
8 a. requirements for the form and content of the document shall
9 be those established by the statute outside of this chapter;
10 b. the document shall be recorded with all other documents
11 affecting real '**[estate] property**' using the method established by
12 section 26A-6(e) of this chapter; and
13 c. the document shall be indexed with all other documents
14 affecting real '**[estate] property**' as provided by section 26A-8 of
15 this chapter.
16 Source: New.
17
18 46:26A-11. Notices of settlement.
19 a. A party to a settlement which will convey an interest in real
20 '**[estate] property**', a mortgage on real '**[estate] property**', or both,
21 or the authorized representative of a party or a licensed title
22 insurance producer, may execute a document titled "notice of
23 settlement" and record it in the county recording office of the
24 county in which the real '**[estate] property**' is located. The county
25 recording officer may charge a fee not to exceed the fee charged for
26 the recording of notices of federal tax liens.
27 b. The notice of settlement shall be signed by a party to the
28 settlement or a party's authorized representative and shall state the
29 names of the parties to the settlement and a description of the real
30 '**[estate] property**'. If the notice is executed by anyone other than
31 an attorney at law of this State, the execution shall be
32 acknowledged or proved in the manner of acknowledgment or proof
33 of deeds.
34 c. A notice of settlement shall be in substantially the following
35 form:
36
37 Name)
38 Address)
39 (Seller or Mortgagor) NOTICE OF SETTLEMENT
40
41 Name)
42 Address)
43 (Purchaser or Mortgagee)
44
45 NOTICE is hereby given of a(contract,
46 agreement or mortgage commitment) between the parties.
47 THE lands to be affected are described as follows:
48 Premises in the of, (municipality) County of

1 and State of New Jersey, commonly known as
2 (street address) and more particularly
3 described as follows:

4 (legal description)

5
6 Name of party or authorized representative

7 Address

8 (acknowledgment)

9 d. A notice of settlement shall be effective for 60 days from the
10 date of recording, unless it is terminated by the recording of a
11 "discharge of notice of settlement." The effective period of a notice
12 of settlement may be extended for one period of 60 days by
13 recording an additional notice of settlement before the expiration or
14 discharge of the notice of settlement.

15 e. A discharge of notice of settlement shall be substantially in
16 the form prescribed for a notice of settlement and shall be recorded
17 by the party or authorized representative who recorded the notice of
18 settlement. The recording officer shall record and index each
19 discharge in the same fashion as a notice of settlement.

20 f. Any person who claims an interest in or lien on the real
21 **'[estate] property'** described in the notice of settlement arising
22 during the time that a notice of settlement is effective shall be
23 deemed to have acquired the interest or lien with knowledge of the
24 anticipated settlement and shall be subject to the estate or interest
25 created by the deed or mortgage described in the notice of
26 settlement provided the deed or mortgage is recorded within the
27 time that the notice is effective.

28 Source: 46:16A-1 through 46:16A-5.

29
30 46:26A-12. Effect of recording.

31 a. Any recorded document affecting the title to real **'[estate]**
32 **property'** is, from the time of recording, notice to all subsequent
33 purchasers, mortgagees and judgment creditors of the execution of
34 the document recorded and its contents.

35 b. A claim under a recorded document affecting the title to real
36 **'[estate] property'** shall not be subject to the effect of a document
37 that was later recorded or was not recorded unless the claimant was
38 on notice of the later recorded or unrecorded document.

39 c. A deed or other conveyance of an interest in real **'[estate]**
40 **property'** shall be of no effect against subsequent judgment
41 creditors without notice, and against subsequent bona fide
42 purchasers and mortgagees for valuable consideration without
43 notice and whose conveyance or mortgage is recorded, unless that
44 conveyance is evidenced by a document that is first recorded.

45 Source: 46:21-1; 46:22-1.

CHAPTER 26B

MAPS

46:26B-1. Definitions.

As used in P.L. , c. (C.) (pending before the Legislature as this bill):

"Condominium plan" means a survey of the condominium property in sufficient detail to identify the location and dimensions of units and common elements, which shall be filed in accordance with the requirements of section 3 of P.L.1960, c.141 (C.46:23-9.11). A condominium plan shall bear a certification by a land surveyor, professional engineer or architect authorized to practice in this State that the plan is a correct representation of the improvements described.

"Entire tract" means all of the property that is being subdivided including lands remaining after subdivision.

"General property parcel map" means a right of way parcel map showing a group of parcel and easement acquisitions for part of a highway or street project.

"Land Surveyor" means a person who is legally authorized to practice land surveying in this State as provided by P.L.1938, c.342 (C.45:8-27 et seq.).

"Map" includes a map, plat, condominium plan, right of way parcel maps of the State, county or municipality, chart, or survey of lands presented for approval to a proper authority or presented for filing as provided by P.L. , c. (C.) (pending before the Legislature as this bill), but does not include a map, plat or sketch required to be filed or recorded under the provisions of P.L.1957, c.130 (C.48:3-17.2) or a subdivision plat for a subdivision that was granted final approval by a municipal approving authority on or prior to July 1, 1999.

"Municipal Engineer" means the official licensed professional engineer appointed by the proper authority of the municipality in which the territory shown on a map is located.

"Professional Engineer" means a person who is legally authorized to practice professional engineering in this State as provided by P.L.1938, c.342 (C.45:8-27 et seq.).

"Proper authority" means the chief legislative body of a municipality or other agencies to which the authority for approval of maps has been designated by ordinance.

"Right of way parcel map" means any general property parcel map which shows highways or street acquisitions and any associated easements for highway or street rights of way.

Source: 46:23-9.10.

46:26B-2. Requirements for approval or filing of a map.

a. A map shall not be approved by a proper authority unless it meets the requirements of this section specified for the kind of map

1 involved. The following kinds of maps shall meet the following
2 requirements:

3 (1) Major subdivision plats shall meet all of the requirements of
4 this section.

5 (2) Right of way parcel maps shall meet the requirements of
6 subsections b. (1), (2), (4), (5), (6), (7), (11) of this section.

7 (3) Minor subdivision maps shall meet all of the requirements of
8 this section except for the outside tract line monuments requirement
9 of subsection b. (8).

10 (4) Condominium plans shall meet the requirements of
11 subsections b. (1), (4), (5), (6), (7) and (11).

12 b. No map requiring approval by law or that is to be approved for
13 filing with a county, shall be approved by the proper authority
14 unless it conforms to the following requirements:

15 (1) A map shall show the scale, which shall be inches to feet and
16 be large enough to contain legibly written data on the dimensions,
17 bearings and all other details of the boundaries, and it shall also
18 show the graphic scale.

19 (2) A map shall show the dimensions, square footage of each lot
20 to the nearest square foot or nearest one hundredth of an acre.
21 Bearings and curve data shall include the radius, delta angle, length
22 of arc, chord distance and chord bearing sufficient to enable the
23 definite location of all lines and boundaries shown, including public
24 easements and areas dedicated for public use. Non-tangent curves
25 and non-radial lines shall be labeled. Right of way parcel maps shall
26 show bearings, distances and curve data for the right of way or the
27 center line or base line and ties to right of way lines if from a base
28 line.

29 (3) Where lots are shown thereon, those in each block shall be
30 numbered consecutively. Block and lot designations shall conform
31 with the municipal tax map if municipal regulations so require. In
32 counties which adopt the local or block system of indices pursuant
33 to sections 46:24-1 to 46:24-22 of the Revised Statutes, the map
34 shall show the block boundaries and designations established by the
35 board of commissioners of land records for the territory shown on
36 the map.

37 (4) The reference meridian used for bearings on the map shall be
38 shown graphically. The coordinate base, either assumed or based on
39 the New Jersey Plane Coordinate System, shall be shown on the
40 plat.

41 (5) All municipal boundary lines crossing or adjacent to the
42 territory shall be shown and designated.

43 (6) All natural and artificial watercourses, streams, shorelines
44 and water boundaries and encroachment lines shall be shown. On
45 right of way parcel maps all easements that affect the right of way,
46 including slope easements and drainage, shall be shown and
47 dimensioned.

48 (7) All permanent easements, including sight right easements and

1 utility easements, shall be shown and dimensioned.

2 (8) The map shall clearly show all monumentation required by
3 this chapter, including monuments found, monuments set, and
4 monuments to be set. An indication shall be made where
5 monumentation found has been reset. For purposes of this
6 subsection "found corners" shall be considered monuments. A
7 minimum of three corners distributed around the tract shall indicate
8 the coordinate values. The outbound corner markers shall be set
9 pursuant to regulations promulgated by the State Board of
10 Professional Engineers and Land Surveyors.

11 (9) The map shall show as a chart on the plat any other technical
12 design controls required by local ordinances, including minimum
13 street widths, minimum lot areas and minimum yard dimensions.

14 (10) The map shall show the name of the subdivision, the name
15 of the last property owners, the municipality and county.

16 (11) The map shall show the date of the survey and shall be in
17 accordance with the minimum survey detail requirements of the
18 State Board of Professional Engineers and Land Surveyors.

19 (12) A certificate of a land surveyor or surveyors, shall be
20 endorsed on the map as follows:

21 I certify that to the best of my knowledge and belief this map and
22 land survey dated meet the minimum
23 survey detail requirements of the State Board of Professional
24 Engineers and Land Surveyors and the map has been made under
25 my supervision, and complies with the "map filing law" and that the
26 outbound corner markers as shown have been found, or set.

27 (Include the following, if applicable)

28 I further certify that the monuments as designated and shown have
29 been set.

30

31

32 Licensed Professional Land Surveyor and No.

33 (Affix Seal)

34 (13) If the land surveyor who prepares the map is different from
35 the land surveyor who prepared the outbound survey, the following
36 two certificates shall be added in lieu of the certificate above.

37 (a) I certify to the best of my knowledge information and belief
38 that this land survey dated has been made under my
39 supervision and meets the minimum survey detail requirements of
40 the State Board of Professional Engineers and Land Surveyors and
41 that the outbound corner markers as shown have been found, or set

42

43

44 Licensed Professional Land Surveyor and No.

45 (Affix seal)

46 (b) I certify that this map has been made under my supervision
47 and complies with the "map filing law."

48 (Including the following if applicable)

1 I further certify that the monuments as designated and shown have
2 been set.

3
4

5 Licensed Professional Land Surveyor and No.
6 (Affix seal)

7 (c) If monuments are to be set at a later date, the following
8 requirements and endorsement shall be shown on the map.

9 The monuments shown on this map shall be set within the time limit
10 provided in the "Municipal Land Use Law," P.L.1975, c.291
11 (C.40:55D-1 et seq.) or local ordinance.

12 I certify that a bond has been given to the municipality,
13 guaranteeing the future setting of the monuments as designated and
14 shown on this map.

15
16

17 Municipal Clerk

18 (d) If the map is a right of way parcel map the project surveyor
19 need only to certify that the monuments have been set or will be set.

20 (14) A certificate of the municipal engineer shall be endorsed on
21 the map as follows:

22 I have carefully examined this map and to the best of my knowledge
23 and belief find it conforms with the provisions of "the map filing
24 law," resolution of approval and applicable municipal ordinances
25 and requirements.

26
27

28 Municipal Engineer (Affix Seal)

29 (15) An affidavit setting forth the names and addresses of all the
30 record title owners of the lands subdivided by the map and written
31 consent to the approval of the map of all those owners shall be
32 submitted to the proper authority with the map.

33 (16) If the map shows highways, streets, lanes or alleys, a
34 certificate shall be endorsed on it by the municipal clerk that the
35 municipal body has approved the highways, streets, lanes or alleys,
36 except where such map is prepared and presented for filing by the
37 State of New Jersey or any of its agencies. The map shall show all
38 of the street names as approved by the municipality.

39 Source: 46:23-9.11.

40
41 46:26B-3. Monumentation.

42 a. A map shall not be approved by a proper authority unless it
43 meets the monumentation requirements of this section specified for
44 the kind of map involved. The following kinds of maps shall meet
45 the following requirements:

46 (1) Subdivision plats shall meet all of the requirements of this
47 section.

48 (2) Right of way parcel maps shall meet the requirements of

1 subsection b. (9) of this section.

2 b. Monuments are required on one side of the right of way only
3 and shall be of metal detectable durable material at least 30 inches
4 long. The top and bottom shall be a minimum of 4 inches square; if
5 concrete, however, it may be made of other durable metal detectable
6 material specifically designed to be permanent, as approved by the
7 State Board of Professional Engineers and Land Surveyors. All
8 monuments shall include the identification of the professional land
9 surveyor or firm. They shall be firmly set in the ground so as to be
10 visible at the following control points; provided that in lieu of
11 installation of the monuments, the municipality may accept bond
12 with sufficient surety in form and amount to be determined by the
13 governing body, conditioned upon the proper installation of the
14 monuments on the completion of the grading of the streets and
15 roads shown on the map.

16 (1) At each intersection of the outside boundary of the whole
17 tract, with the right-of-way line of any side of an existing street.

18 (2) At the intersection of the outside boundary of the whole tract
19 with the right-of-way line on one side of a street being established
20 by the map under consideration.

21 (3) At one corner formed by the intersection of the right-of-way
22 lines of any two streets at a T-type intersection.

23 (4) At any two corners formed by the right-of-way lines of any
24 two streets in an "X" or "Y" type intersection.

25 (5) If the right-of-way lines of two streets are connected by a
26 curve at an intersection, monuments shall be as stipulated in (3) and
27 (4) of this subsection at one of the following control points:

28 (a) The point of intersection of the prolongation of said lines,

29 (b) The point of curvature of the connecting curve,

30 (c) The point of tangency of the connecting curve,

31 (d) At the beginning and ending of all tangents on one side of
32 any street, or

33 (e) At the point of compound curvature or point of reversed
34 curvature where either curve has a radius equal to or greater than
35 100 feet. Complete curve data as indicated in subsection d. of this
36 section shall be shown on the map, or

37 (f) At intermediate points in the sidelines of a street between two
38 adjacent street intersections in cases where the street deflects from a
39 straight line or the line of sight between the adjacent intersections is
40 obscured by a summit or other obstructions which are impractical to
41 remove. This requirement may necessitate the setting of additional
42 monuments at points not mentioned above. Bearings and distances
43 between the monuments or coordinate values shall be indicated.

44 (6) In cases where it is impossible to set a monument at any of
45 the above designated points, a nearby reference monument shall be
46 set and its relation to the designated point shall be clearly
47 designated on the map; or the plate on the reference monument shall
48 be stamped with the word "offset" and its relation to the monument

1 shown on the filed map.

2 (7) In areas where permanency of monuments may be better
3 insured by off-setting the monuments from the property line, the
4 municipal engineer may authorize such procedure; provided, that
5 proper instrument sights may be obtained and complete off-set data
6 is recorded on the map.

7 (8) By the filing of a map in accordance with the provisions of
8 "the map filing law," reasonable survey access to the monuments is
9 granted, which shall not restrict in any way the use of the property
10 by the landowner.

11 (9) On right of way parcel maps, the monuments shall be set at
12 the points of curvature, points of tangency, points of reverse
13 curvature and points of compound curvature or the control base line
14 or center line, if used, and be intervisible with a second monument.

15 (10) On minor subdivisions a monument shall be set at each
16 intersection of an outside boundary of the newly created lot or lots
17 with the right of way line of any side of an existing street.

18 Source: 46:23-9.11(r).

19

20 46:26B-4. Approval of maps.

21 a. The proper authority shall approve or disapprove a map within
22 45 days from its receipt.

23 b. The approval of a map under this law by the proper authority
24 shall not be construed as acceptance of any street or highway
25 indicated on the map; nor shall approval obligate the State of New
26 Jersey or any county or municipality, to maintain or exercise
27 jurisdiction over those streets or highways.

28 Source: 46:23-9.12; 46:23-9.13.

29

30 46:26B-5. Additional prerequisites to filing.

31 The county recording officer shall not accept for filing any map¹,
32 with the exception of a right-of-way parcel map,¹ unless it has
33 endorsed on it a certificate by the municipal clerk or secretary of
34 the planning board stating:

35 a. That the proper authority has approved the map or stating its
36 exemption from approval;

37 b. That the map complies with the provisions of this law; and

38 c. The date by which the map is required to be filed by the
39 applicable law.

40 Source: 46:23-9.14.

41

42 46:26B-6. Filing and indexing of maps, fee.

43 a. The county recording officer shall file a map if an original and
44 a copy of the map are presented for filing, the map complies with
45 all the requirements for filing and is accompanied with the fees for
46 filing and indexing that are provided by law. No fee shall be
47 charged when the map is presented by the State of New Jersey, or
48 any of its agencies.

1 b. The original map and a duplicate shall be endorsed by the
2 recording office with a receipt indicating the date of filing.

3 c. The original map shall be retained by the recording office in
4 an appropriate manner for preservation and use for reproduction
5 purposes.

6 d. Copies of filed maps shall be made available to the public at a
7 reasonable cost.

8 Source: 46:23-9.15.

9
10 46:26B-7. Duplicates of maps in cities having atlases or block
11 maps.

12 Whenever a map is filed in the office of the county recording
13 officer of land in a municipality that has an atlas, or block map, on
14 which is plotted the lots or subdivision of lots of lands, the person
15 filing the map shall file a duplicate of the map, and the recording
16 officer shall indorse on the duplicate the time of recording and
17 filing of the original and deliver the duplicate to the officer of the
18 city having charge of the atlas or block map.

19 This section shall have no application to maps filed by
20 commissioners appointed to assess benefits derived from the
21 construction of sewers, drains or other municipal improvements.

22 Source: 46:23-10.

23
24 46:26B-8. Approval and filing of duplicates of filed maps.

25 Whenever a map has been filed in the office of the county
26 recording officer, and copies of it have been made that differ from
27 the original only in title or style, and there have been made
28 conveyances or liens, under which the lands intended to be
29 conveyed or liened have been described by reference to the unfiled
30 copy, the governing body of the municipality in which the land is
31 located, by resolution, may approve the copy for filing in the
32 manner prescribed by law. This approval and filing shall not
33 constitute a dedication of the streets or lot locations as therein
34 delineated and shall be merely for the identification of the lands
35 conveyed or liened.

36 Source: 46:23-11.

37
38
39 CHAPTER 26C
40 GENERAL AND TRANSITIONAL

41
42 46:26C-1. Regulations.

43 a. The Division of Archives and Records Management in the
44 Department of State in consultation with the County Clerks and
45 Registers of Deeds 'and Mortgages' shall adopt regulations to
46 establish format and technical requirements for recorded documents
47 to foster state-wide uniformity in title recordation and otherwise to
48 implement P.L. , c. (C.) (pending before the Legislature as

1 this bill).

2 b. Regulations shall be adopted within 12 months after the
3 effective date of P.L. , c. (C.) (pending before the Legislature
4 as this bill).

5 Source: New.

6

7 46:26C-2. "Uniform Electronic Transactions Act" superseded.

8 The provisions of P.L. , c. (C.) (pending before the
9 Legislature as this bill) shall take precedence over any conflicting
10 provisions contained in sections 17 and 18 of the "Uniform
11 Electronic Transactions Act," P.L.2001, c.116 (C.12A:12-17 and
12 12A:12-18).

13 The provisions of P.L. , c. (C.) (pending before the
14 Legislature as this bill) shall modify, limit and supersede the federal
15 Electronic Signatures in Global and National Commerce Act (15
16 U.S.C. Section 7001, et seq.) but shall not modify, limit or
17 supersede Section 101(c) of that act (15 U.S.C. Section 7001(c)) or
18 authorize electronic delivery of any of the notices described in
19 Section 103(b) of that act (15 U.S.C. Section 7003(b)).

20 Source: New.

21

22 ¹46:26C-3 Access to Real Property Databases

23 Notwithstanding the provisions of P.L.1963, c.73 (C.47:1A-1 et
24 seq.) and P.L.2001, c.404 (C.47:1A-5 et al.) or any other provision
25 of law to the contrary, any database or databases containing or
26 consisting of real property title records, indices, and other public
27 records and documents of the office of a County Clerk or Register
28 of Deeds and Mortgages shall not be available for copying in whole
29 or in part, for purchase or other consideration, for use as or in a
30 database or similar system for records concerning real property title
31 recordation not maintained by a New Jersey State or local
32 government agency. This provision shall not apply to individual
33 documents contained in such database or databases.

34 Source: New¹

35

36 ¹46:26C-4 Review of Document Filing and Recording Fees.

37 a. Within two years of the effective date of P.L. , c. (C.)
38 (pending before the Legislature as this bill), the Division of
39 Archives and Records Management in the Department of State and
40 the Department of the Treasury shall adopt rules and regulations
41 requiring county clerks and registers of deeds and mortgages to
42 report the number of documents recorded or filed and all document
43 filing and recording fees that are collected by their offices,
44 categorized by document type, to the division and to the
45 department. The rules and regulations shall develop and implement
46 a standard form and procedure for county clerks and registers of
47 deeds and mortgages to utilize and follow in order to report the
48 number of each type of document and the document filing and

1 recording fees collected by their offices in order to enable the
2 division and the department to prepare the reports required pursuant
3 to this section. The standard form and procedure shall also identify
4 the filing and recording fees delivered to the State Treasurer for
5 deposit in the "New Jersey Public Records Preservation Account,"
6 established pursuant to section 39 of P.L. 2003, c.117 (C.22A:4-
7 4.2).

8 b. Within three years of the effective date of P.L. , c. (C.)
9 (pending before the Legislature as this bill), the Division of
10 Archives and Records Management in the Department of State and
11 the Department of the Treasury shall issue an interim report,
12 displaying in a clear and concise manner, the information reported
13 pursuant to subsection a. of this section, up to that point in time.
14 The report shall specify, for each county, the time frame covered by
15 the report, the number of documents recorded or filed categorized
16 by document type and shall display the corresponding gross
17 recording fee received by the clerk or register (before distribution
18 or allocation to any dedicated fund) for each document type.

19 c. Within four years of the effective date of P.L. , c. (C.)
20 (pending before the Legislature as this bill), the Division of
21 Archives and Records Management in the Department of State and
22 the Department of the Treasury shall issue a final report displaying
23 in a clear and concise manner, the information reported pursuant to
24 subsection a. of this section, up to that point in time. The report
25 shall specify, for each county, the time frame covered by the report,
26 the number of documents recorded or filed categorized by document
27 type and shall display the corresponding gross recording fee
28 received by the clerk or register (before distribution or allocation to
29 any dedicated fund) for each document type. The report shall also
30 specify an average state-wide fee for the filing or recording of each
31 type of document based upon the information reported by the clerks
32 and registers pursuant to this section. The report may contain
33 recommendations of the division and the department to the
34 Legislature for the establishment of standard per document filing
35 and recording fees.

36 d. A copy of the interim report required pursuant to subsection
37 b. of this section and the final report, required pursuant to
38 subsection c. of this section, shall be delivered to each member of
39 the legislature, to each county clerk and register of deeds and
40 mortgages and shall be made available to members of the general
41 public by posting an electronic copy on the official web site for the
42 State of New Jersey.

43 e. Five years after the date of adoption of P.L. , c. (C.)
44 (pending before the Legislature as this bill), the Legislature shall
45 consider the establishment of standard per document filing or
46 recording fees for each type of document which is filed or recorded
47 with a county recording officer. Standard per document filing and
48 recording fees shall be set so that the per document fee is no less

1 than the average fee for the filing or recording of the document as
2 set forth in the final report required to be issued pursuant to
3 subsection c. of this section. Any amendments to section 38 and 39
4 P.L.2003, c.117 (C.22A:4-4.1 and 22A:4-4.2) for the purpose of
5 establishing standard per document filing or recording fees shall not
6 reduce the amount of revenue required to be deposited in the “New
7 Jersey Public Records Preservation Account” or for the local
8 government records management grant program related thereto
9 pursuant to the provisions of section 39 of P.L.2003, c.117
10 (C.22A:4-4.2).

11 Source: New¹
12

13 ¹2. Section 2 of P.L.1965, c.123 (C.22A:4-4.1) is amended to
14 read as follows:

15 2. County clerks and registers of deeds and mortgages, in
16 counties having such offices, shall charge for the services herein
17 enumerated the following fees:

	Fee
For recording veteran's discharge papers	No fee
【For recording any instrument:	
First page	\$30.00
Each additional page or part thereof	\$10.00
Each rider, insertion, addition, or any】 Any map, plat or sketch filed or recorded pursuant to subsection (c) of section 2 of P.L.1957, c.130 (C.48:3-17.3)	\$10.00
【For entering the marginal notation of an order judgment, statement or warrant discharging, annulling a notice of lis pendens and for filing such order, judgment or statement	
	\$10.00
For filing a lis pendens foreclosure Notation	\$30.00 \$10.00
For preparing and transmitting to the assessor, collector, or other custodian of the assessment map of any taxing district, the abstract of an instrument evidencing title to realty	\$10.00
For entering the marginal notation of a discharge or release of a New Jersey building and loan or savings and loan mortgage and forwarding abstract	\$10.00
For entering the marginal notation of a discharge, assignment, postponement or release of a mortgage, other than building and loan and savings and loan mortgages	\$10.00
For the cancellation of any mortgage	\$20.00
For a marginal notation of the discharge of a mortgage in counties where mortgages are indexed under a system requiring a duplication	

1	of indices and description	\$10.00】
2	For filing and recording notice of federal tax	
3	lien or other federal lien or certificate	
4	discharging such lien	\$25.00
5	For filing a notice of settlement	\$20.00
6	For filing each map, plat, plan or chart	
7	(except when presented by the State or	
8	its agencies or filed pursuant to subsection (c) of	
9	section 2 of P.L.1957, c.130 (C.48:3-17.3))	\$55.00
10	For recording tax sale certificate, except by	
11	municipalities, or a redemption or assignment	
12	of tax sale certificate [, first page	\$30.00】 \$35.00
13	【Each additional page or part thereof	\$10.00】
14	Certified copy of veteran's discharge.	\$6.00
15	For indexing any recorded instrument in excess	
16	of 5 parties, per each name in excess of 5	\$6.00
17	For recording tax sale certificate, lien, deed,	
18	or related instrument by a municipality	\$8.00
19	For recording vacations or dedications of roads,	
20	【first page	\$30.00
21	Each additional page or part thereof.	\$10.00】 \$70.00
22	For disclaimers	\$15.00
23	For reimbursement agreements	No fee
24	<u>For recording a deed other than a</u>	
25	<u>condominium or cooperative master deed</u>	<u>\$70.00</u>
26	<u>For recording a condominium or</u>	
27	<u>cooperative master deed</u>	<u>\$1000.00</u>
28	<u>For recording a mortgage</u>	<u>\$130.00</u>
29	<u>For recording an assignment of a mortgage</u>	<u>\$50.00</u>
30	<u>For recording a discharge of a mortgage</u>	<u>\$45.00</u>
31	<u>For recording a notice of lis pendens</u>	<u>\$40.00</u>
32	<u>For recording a lease or a memorandum of a lease</u>	<u>\$70.00</u>
33	<u>For recording a document of any kind not listed</u>	
34	<u>in this section</u>	<u>\$50.00</u>
35	(cf: P.L.2003, c.117, s.38)】 ¹	
36		
37	‘[3.] 2.’ ¹ The following are repealed:	
38	R.S.46:15-1.1;	
39	R.S.46:16-1;	
40	Section 1 of chapter 170 of the laws of 1939 (C.46:16-1.1);	
41	R.S.46:16-2;	
42	R.S.46:16-3;	
43	R.S.46:16-4;	
44	Sections 1 through 3 of P.L.1941, c.389 (C.46:16-4.1 through	
45	46:16-4.3)	
46	R.S.46:16-5;	
47	P.L.1943, c.147, s.1 (C.46:16-5.1);	

1 R.S.46:16-6 through R.S.46:16-14;
2 Sections 1 through 5 of P.L.1979, c.406 (C.46:16A-1 through
3 46:16A-5);
4 R.S.46:17-1 through R.S.46:17-4;
5 R.S.46:18-1 through R.S.46:18-4;
6 R.S.46:18-5.1;
7 R.S.46:18-12;
8 R.S.46:19-1 through R.S.46:19-6;
9 R.S.46:20-1 through R.S.46:20-5;
10 R.S.46:21-1 through R.S.46:21-4;
11 R.S.46:22-1 through R.S.46:22-4;
12 Sections 7 and 8 of P.L.1953, c.358 (C.46:23-9.7 and 46:23-9.8);
13 Sections 1 through 8 of P.L.1960, c.141 (C.46:23-9.9 through
14 46:23-9.16);
15 Section ¹['1 and section']¹ 3 of P.L.1998, c.23 (C.¹['46:23-9.17
16 and']¹ 46:9-18);
17 R.S.46:23-10 and R.S.46:23-11.
18
19 ¹['4.] 3.¹ This act shall take effect ¹['immediately'] on the first
20 day of the fourth month next following the date of enactment¹.