

[First Reprint]

**ASSEMBLY, No. 2565**

**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

INTRODUCED MARCH 16, 2010

**Sponsored by:**

**Assemblyman PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

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**District 20 (Union)**

**Co-Sponsored by:**

**Assemblymen Egan, Coughlin, Gusciora, Wisniewski, Senators Rice,  
Greenstein and Beck**

**SYNOPSIS**

Revises law relating to title recordation.

**CURRENT VERSION OF TEXT**

As amended by the Senate on December 15, 2011.



**(Sponsorship Updated As Of: 1/10/2012)**

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 property entitled to recording are:

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

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

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

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

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

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

37 g. options and rights of first refusal;

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

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

44 j. notices of federal tax liens, liens arising from the federal  
45 "Comprehensive Environmental Response, Compensation and

**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:

<sup>1</sup>Senate floor amendments adopted December 15, 2011.

- 1 Liability Act of 1980," Pub.L.96-510 (42 U.S.C.9601 et seq.), and  
2 other federal liens, which any Act of Congress or regulation  
3 adopted pursuant to it provides for filing of notice in the recording  
4 office designated by a state, and certificates discharging such liens;  
5 k. restrictions affecting the real property or its use;  
6 l. notices of settlement as provided by this chapter;  
7 m. maps as provided by this chapter;  
8 n. condominium master deeds and unit deeds as defined by  
9 law;  
10 o. cooperative master declarations and proprietary leases as  
11 defined by law;  
12 p. any other document that affects title to any interest in real  
13 property in any way or contains any agreement in relation to real  
14 property, or grants any right or interest in real property or grants  
15 any lien on real property; and  
16 q. any other document relating to real property that is directed  
17 to be recorded by any statute or court order.

18 Source: 46:16-1.

19

20 46:26A-3. Prerequisites for recording.

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

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

26 (2) the document bears a signature;

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

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

32 (5) if the document is a deed conveying title to real property, it

33 (a) fulfills the requirements of P.L.1968, c.49, s.2 (C.46:15-6),

34 (b) includes a reference to the lot and block number of the real  
35 property conveyed as designated on the tax map of the municipality  
36 at the time of the conveyance or the account number of the real  
37 property,

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

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

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

48 b. A document, whether made by an individual, corporation or

1 other entity, is not required to be executed under seal, or to contain  
2 words referring to execution under seal.

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

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

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

7 a. documents that establish or evidence a trust under which a  
8 fiduciary has acquired real property if accompanied by an affidavit  
9 of the fiduciary that the document is an original trust document;

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

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

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

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

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

34 g. certified copies of:

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

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

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

43 h. a recorded mortgage bearing an endorsement:

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

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

1 i. any other document that is permitted by another statute to be  
2 recorded or filed without acknowledgment.

3 Source: 46:16-1.1; 46:16-4.1; 46:16-4.2; 46:16-4.3; 46:16-5.1;  
4 46:16-7; 46:16-9; 46:16-10; 46:16-13; 46:16-14; 46:16-15; 46:16-  
5 17.

6

7 46:26A-5. Form of documents and maps; cover sheet or  
8 electronic synopsis.

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

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

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

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

25 (1) the nature of the document;

26 (2) the date of the document;

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

29 (4) if the document is a deed conveying title to real property:

30 (i) the lot and block number or other real property tax  
31 designation of the real property conveyed or a statement that the  
32 information is not available;

33 (ii) the consideration for the conveyance;

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

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

40 c. If the person submitting the document for recording does not  
41 include a cover sheet or electronic synopsis, the recording office  
42 shall charge an additional fee of \$20 for the additional cost of  
43 indexing.

44 d. To be accepted for recording, a map shall be clearly and  
45 legibly drawn in black ink on translucent tracing cloth, translucent  
46 mylars at least 4 mils thick or its equivalent, of good quality, with  
47 signatures in ink, or as an equivalent reproduction on photographic  
48 fixed line mylar 4 mils thick with signatures in black ink or its

1 equivalent and accompanied by a cloth print or photographic fixed  
2 line mylar 4 mils thick duplicate; and one of six standard sizes: 8  
3 1/2" x 13", 30" x 42", 24" x 36", 11" x 17", 18" x 24" or 15" x 21"  
4 as measured from cutting edges. If one sheet is not of sufficient  
5 size to contain the entire territory, the map may be divided into  
6 sections to be shown on separate sheets of equal sizes, with  
7 references on each sheet to the adjoining sheets.

8 e. The regulations of the Division of Archives and Records  
9 Management specifying the form of documents shall comply with  
10 rules, standards and procedures authorized by the State Records  
11 Committee pursuant to its authority under section 6 of P.L.1994,  
12 c.140 (C.47:1-12) and the "Destruction of Public Records Law  
13 (1953)," P.L.1953, c.410 (C.47:3-15 et seq.).

14 f. A county recording office shall not be required to accept for  
15 recording a cover sheet or electronic synopsis pursuant to  
16 subsections (b) and (c) of this section until five years after the  
17 effective date of P.L. , c. (C. ) (pending before the Legislature  
18 as this bill). This provision shall not operate to prevent or preclude  
19 any county recording officer from adopting the use of the document  
20 summary form or electronic synopsis prior to that date.

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

22  
23 46:26A-6. Duty to record; recording officer's books, methods.

24 a. The county recording officer shall record any document or  
25 map affecting the title to real property located in the county,  
26 delivered for recording, provided the document:

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

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

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

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

38 c. A document or map that is rejected shall be returned to the  
39 person who delivered it for recording with a statement of all  
40 grounds for its rejection within three business days after its receipt.

41 d. When a document is recorded, a book and page number or  
42 other permanent, unique document identifying number shall be  
43 assigned to the document.

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

45 (1) produces a clear, accurate and permanent image of a  
46 document,

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

1 (3) is authorized by R.S.47:1-5 and is in conformance with  
2 rules, standards and procedures promulgated by the Division of  
3 Archives and Records Management in the Department of State and  
4 approved by the State Records Committee pursuant to its authority  
5 under section 6 of P.L.1994, c.140 (C.47:1-12) and the "Destruction  
6 of Public Records Law (1953)," P.L.1953, c.410  
7 (C.47:3-15 et seq.)<sup>1</sup>; provided, however, that the Division of  
8 Archives and Records Management and the State Records  
9 Committee shall establish rules, standards, and procedures for  
10 recording in conjunction and collaboration with the county  
11 recording officers<sup>1</sup>.

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

15 (1) retain the documents or clear, accurate and permanent  
16 images of the documents, and

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

18 g. The Division of Archives and Records Management and the  
19 State Records Committee shall consult with the Office of  
20 Telecommunications and Information Systems in the Department of  
21 the Treasury in the development of general technical standards for  
22 record keeping. Notwithstanding any general technical standards  
23 developed pursuant to this section, the State Records Committee  
24 may adopt rules and regulations to authorize pilot programs for  
25 various individual counties in order to evaluate alternative  
26 technologies for the preservation of records.

27 h. When a discharge, assignment, extension or postponement of  
28 a mortgage is recorded, the recording officer may make a marginal  
29 notation on the mortgage affected indicating the book and page  
30 number or document identifying number of the discharge,  
31 assignment, extension or postponement.

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

33

34 46:26A-7. Receipts for documents presented for record.

35 Upon request, the county recording officer shall:

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

37 b. return a copy of the document with the date and time it was  
38 received for recording, the fee paid, and the book and page number  
39 or other permanent, unique document identifying number assigned  
40 to the document. If the copy returned is a paper document, the  
41 information shall be endorsed on the document. If the copy  
42 returned is an electronic document, then the receipt shall be sent  
43 electronically.

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

45

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

47 a. The county recording officer shall maintain one index of all  
48 recorded documents and may make other separate, classified,

1 analytical or combination indexes.

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

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

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

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

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

13 c. A mortgage shall be indexed by the names of the mortgagors  
14 and mortgagees.

15 d. An assignment, extension, postponement, modification or  
16 discharge of a mortgage shall be indexed by the names of the  
17 mortgagors, assignors and assignees.

18 e. A trust instrument shall be indexed by the names of the  
19 parties to the instrument and in the names of beneficiaries if they  
20 appear.

21 f. Any other document shall be indexed by the names of the  
22 parties to it.

23 g. A document shall also be indexed by additional names  
24 requested by the person submitting the document for recording if an  
25 affidavit is presented at the time the document is presented for  
26 recording attesting to 'facts establishing the specific relationship of  
27 the names to the document submitted and' the need for indexing the  
28 document by the additional names supplied.

29 h. A document shall be indexed from the information supplied  
30 on its cover sheet or electronic synopsis if one is submitted. A  
31 recording officer shall not be liable for differences between the  
32 cover sheet or electronic synopsis and the document.

33 i. If a law requires a notation be placed on or in the margin of  
34 any recorded or filed document, the statutory requirement for  
35 marginal notations shall be satisfied by recording and indexing the  
36 document.

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

38

39 46:26A-9. Sequence of recording.

40 The county recording officer shall record and index documents  
41 in the order received. If two documents affecting the same property  
42 are submitted for recording by the same person and are received at  
43 the same time, the county recording officer shall record and index  
44 the documents in the order requested by the person who submitted  
45 them.

46 Source: New; 46:19-3; 46:20-2.

47

48 46:26A-10. Documents filed as provided by other statutes.



1 When a statute outside of this chapter provides that a document  
 2 relating to real property be filed rather than recorded:  
 3 a. requirements for the form and content of the document shall  
 4 be those established by the statute outside of this chapter;  
 5 b. the document shall be recorded with all other documents  
 6 affecting real property using the method established by section  
 7 26A-6(e) of this chapter; and  
 8 c. the document shall be indexed with all other documents  
 9 affecting real property as provided by section 26A-8 of this chapter.  
 10 Source: New.

11  
12 46:26A-11. Notices of settlement.

13 a. A party to a settlement which will convey an interest in real  
 14 property, a mortgage on real property, or both, or the authorized  
 15 representative of a party or a licensed title insurance producer, may  
 16 execute a document titled "notice of settlement" and record it in the  
 17 county recording office of the county in which the real property is  
 18 located. The county recording officer may charge a fee not to  
 19 exceed the fee charged for the recording of notices of federal tax  
 20 liens.

21 b. The notice of settlement shall be signed by a party to the  
 22 settlement or a party's authorized representative and shall state the  
 23 names of the parties to the settlement and a description of the real  
 24 property. If the notice is executed by anyone other than an attorney  
 25 at law of this State, the execution shall be acknowledged or proved  
 26 in the manner of acknowledgment or proof of deeds.

27 c. A notice of settlement shall be in substantially the following  
 28 form:

29  
30 Name .....)  
 31 Address .....)  
 32 (Seller or Mortgagor) NOTICE OF SETTLEMENT

33  
34 Name .....)  
 35 Address .....)  
 36 (Purchaser or Mortgagee)

37  
38 NOTICE is hereby given of a .....(contract,  
 39 agreement or mortgage commitment) between the parties.

40 THE lands to be affected are described as follows:

41 Premises in the ..... of ....., (municipality) County of .....  
 42 and State of New Jersey, commonly known as  
 43 ..... (street address) and more particularly  
 44 described as follows:

45 (legal description)

46  
47 Name of party or authorized representative .....

48 Address .....

1 (acknowledgment)

2 d. A notice of settlement shall be effective for 60 days from the  
3 date of recording, unless it is terminated by the recording of a  
4 "discharge of notice of settlement." The effective period of a notice  
5 of settlement may be extended for one period of 60 days by  
6 recording an additional notice of settlement before the expiration or  
7 discharge of the notice of settlement.

8 e. A discharge of notice of settlement shall be substantially in  
9 the form prescribed for a notice of settlement and shall be recorded  
10 by the party or authorized representative who recorded the notice of  
11 settlement. The recording officer shall record and index each  
12 discharge in the same fashion as a notice of settlement.

13 f. Any person who claims an interest in or lien on the real  
14 property described in the notice of settlement arising during the  
15 time that a notice of settlement is effective shall be deemed to have  
16 acquired the interest or lien with knowledge of the anticipated  
17 settlement and shall be subject to the estate or interest created by  
18 the deed or mortgage described in the notice of settlement provided  
19 the deed or mortgage is recorded within the time that the notice is  
20 effective.

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

22

23 46:26A-12. Effect of recording.

24 a. Any recorded document affecting the title to real property is,  
25 from the time of recording, notice to all subsequent purchasers,  
26 mortgagees and judgment creditors of the execution of the  
27 document recorded and its contents.

28 b. A claim under a recorded document affecting the title to real  
29 property shall not be subject to the effect of a document that was  
30 later recorded or was not recorded unless the claimant was on notice  
31 of the later recorded or unrecorded document.

32 c. A deed or other conveyance of an interest in real property  
33 shall be of no effect against subsequent judgment creditors without  
34 notice, and against subsequent bona fide purchasers and mortgagees  
35 for valuable consideration without notice and whose conveyance or  
36 mortgage is recorded, unless that conveyance is evidenced by a  
37 document that is first recorded.

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

39

40 CHAPTER 26B

41 MAPS

42

43 46:26B-1. Definitions.

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

46 "Condominium plan" means a survey of the condominium  
47 property in sufficient detail to identify the location and dimensions  
48 of units and common elements, which shall be filed in accordance

1 with the requirements of section 3 of P.L.1960, c.141 (C.46:23-  
2 9.11). A condominium plan shall bear a certification by a land  
3 surveyor, professional engineer or architect authorized to practice in  
4 this State that the plan is a correct representation of the  
5 improvements described.

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

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

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

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

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

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

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

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

35 Source: 46:23-9.10.

36

37 46:26B-2. Requirements for approval or filing of a map.

38 a. A map shall not be approved by a proper authority unless it  
39 meets the requirements of this section specified for the kind of map  
40 involved. The following kinds of maps shall meet the following  
41 requirements:

42 (1) Major subdivision plats shall meet all of the requirements of  
43 this section.

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

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

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

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

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

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

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

28 (4) The reference meridian used for bearings on the map shall be  
29 shown graphically. The coordinate base, either assumed or based on  
30 the New Jersey Plane Coordinate System, shall be shown on the  
31 plat.

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

34 (6) All natural and artificial watercourses, streams, shorelines  
35 and water boundaries and encroachment lines shall be shown. On  
36 right of way parcel maps all easements that affect the right of way,  
37 including slope easements and drainage, shall be shown and  
38 dimensioned.

39 (7) All permanent easements, including sight right easements  
40 and utility easements, shall be shown and dimensioned.

41 (8) The map shall clearly show all monumentation required by  
42 this chapter, including monuments found, monuments set, and  
43 monuments to be set. An indication shall be made where  
44 monumentation found has been reset. For purposes of this  
45 subsection "found corners" shall be considered monuments. A  
46 minimum of three corners distributed around the tract shall indicate  
47 the coordinate values. The outbound corner markers shall be set  
48 pursuant to regulations promulgated by the State Board of

1 Professional Engineers and Land Surveyors.

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

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

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

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

12 I certify that to the best of my knowledge and belief this map and  
13 land survey dated ..... meet the minimum  
14 survey detail requirements of the State Board of Professional  
15 Engineers and Land Surveyors and the map has been made under  
16 my supervision, and complies with the "map filing law" and that the  
17 outbound corner markers as shown have been found, or set.

18 (Include the following, if applicable)

19 I further certify that the monuments as designated and shown have  
20 been set.

21

22 .....

23 Licensed Professional Land Surveyor and No.

24 (Affix Seal)

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

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

33

34 .....

35 Licensed Professional Land Surveyor and No.

36 (Affix seal)

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

39 (Including the following if applicable)

40 I further certify that the monuments as designated and shown have  
41 been set.

42

43 .....

44 Licensed Professional Land Surveyor and No.

45 (Affix seal)

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

48 The monuments shown on this map shall be set within the time limit

1 provided in the "Municipal Land Use Law," P.L.1975, c.291  
2 (C.40:55D-1 et seq.) or local ordinance.

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

6  
7 .....

8 Municipal Clerk

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

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

13 I have carefully examined this map and to the best of my knowledge  
14 and belief find it conforms with the provisions of "the map filing  
15 law," resolution of approval and applicable municipal ordinances  
16 and requirements.

17  
18 .....

19 Municipal Engineer (Affix Seal)

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

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

30 Source: 46:23-9.11.

31  
32 46:26B-3. Monumentation.

33 a. A map shall not be approved by a proper authority unless it  
34 meets the monumentation requirements of this section specified for  
35 the kind of map involved. The following kinds of maps shall meet  
36 the following requirements:

37 (1) Subdivision plats shall meet all of the requirements of this  
38 section.

39 (2) Right of way parcel maps shall meet the requirements of  
40 subsection b. (9) of this section.

41 b. Monuments are required on one side of the right of way only  
42 and shall be of metal detectable durable material at least 30 inches  
43 long. The top and bottom shall be a minimum of 4 inches square; if  
44 concrete, however, it may be made of other durable metal detectable  
45 material specifically designed to be permanent, as approved by the  
46 State Board of Professional Engineers and Land Surveyors. All  
47 monuments shall include the identification of the professional land  
48 surveyor or firm. They shall be firmly set in the ground so as to be

1 visible at the following control points; provided that in lieu of  
2 installation of the monuments, the municipality may accept bond  
3 with sufficient surety in form and amount to be determined by the  
4 governing body, conditioned upon the proper installation of the  
5 monuments on the completion of the grading of the streets and  
6 roads shown on the map.

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

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

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

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

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

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

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

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

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

24 (e) At the point of compound curvature or point of reversed  
25 curvature where either curve has a radius equal to or greater than  
26 100 feet. Complete curve data as indicated in subsection d. of this  
27 section shall be shown on the map, or

28 (f) At intermediate points in the sidelines of a street between  
29 two adjacent street intersections in cases where the street deflects  
30 from a straight line or the line of sight between the adjacent  
31 intersections is obscured by a summit or other obstructions which  
32 are impractical to remove. This requirement may necessitate the  
33 setting of additional monuments at points not mentioned above.  
34 Bearings and distances between the monuments or coordinate  
35 values shall be indicated.

36 (6) In cases where it is impossible to set a monument at any of  
37 the above designated points, a nearby reference monument shall be  
38 set and its relation to the designated point shall be clearly  
39 designated on the map; or the plate on the reference monument shall  
40 be stamped with the word "offset" and its relation to the monument  
41 shown on the filed map.

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

47 (8) By the filing of a map in accordance with the provisions of  
48 "the map filing law," reasonable survey access to the monuments is

1 granted, which shall not restrict in any way the use of the property  
2 by the landowner.

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

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

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

11

12 46:26B-4. Approval of maps.

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

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

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

21

22 46:26B-5. Additional prerequisites to filing.

23 The county recording officer shall not accept for filing any map,  
24 with the exception of a right-of-way parcel map, unless it has  
25 endorsed on it a certificate by the municipal clerk or secretary of  
26 the planning board stating:

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

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

30 c. The date by which the map is required to be filed by the  
31 applicable law.

32 Source: 46:23-9.14.

33

34 46:26B-6. Filing and indexing of maps, fee.

35 a. The county recording officer shall file a map if an original  
36 and a copy of the map are presented for filing, the map complies  
37 with all the requirements for filing and is accompanied with the fees  
38 for filing and indexing that are provided by law. <sup>1</sup>[No fee shall be  
39 charged when the map is presented by the State of New Jersey, or  
40 any of its agencies.]<sup>1</sup>

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

43 c. The original map shall be retained by the recording office in  
44 an appropriate manner for preservation and use for reproduction  
45 purposes.

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

48 Source: 46:23-9.15.



1 46:26B-7. Duplicates of maps in cities having atlases or block  
2 maps.

3 Whenever a map is filed in the office of the county recording  
4 officer of land in a municipality that has an atlas, or block map, on  
5 which is plotted the lots or subdivision of lots of lands, the person  
6 filing the map shall file a duplicate of the map, and the recording  
7 officer shall indorse on the duplicate the time of recording and  
8 filing of the original and deliver the duplicate to the officer of the  
9 city having charge of the atlas or block map.

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

13 Source: 46:23-10.

14

15 46:26B-8. Approval and filing of duplicates of filed maps.

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

27 Source: 46:23-11.

28

29

30

CHAPTER 26C  
GENERAL AND TRANSITIONAL

31

32

33

46:26C-1. Regulations.

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

41

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

Source: New.

46

47

48

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

The provisions of P.L. , c. (C. ) (pending before the  
Legislature as this bill) shall take precedence over any conflicting

1 provisions contained in sections 17 and 18 of the "Uniform  
2 Electronic Transactions Act," P.L.2001, c.116 (C.12A:12-17 and  
3 12A:12-18).

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

11 Source: New.

12

13 46:26C-3 Review of Document Filing and Recording Fees.

14 a. Within two years of the effective date of P.L. , c. (C. )  
15 (pending before the Legislature as this bill), the Division of  
16 Archives and Records Management in the Department of State and  
17 the Department of the Treasury shall adopt rules and regulations  
18 requiring county clerks and registers of deeds and mortgages to  
19 report the number of documents recorded or filed and all document  
20 filing and recording fees that are collected by their offices,  
21 categorized by document type, to the division and to the  
22 department. The rules and regulations shall develop and implement  
23 a standard form and procedure for county clerks and registers of  
24 deeds and mortgages to utilize and follow in order to report the  
25 number of each type of document and the document filing and  
26 recording fees collected by their offices in order to enable the  
27 division and the department to prepare the reports required pursuant  
28 to this section. The standard form and procedure shall also identify  
29 the filing and recording fees delivered to the State Treasurer for  
30 deposit in the "New Jersey Public Records Preservation Account,"  
31 established pursuant to section 39 of P.L. 2003, c.117 (C.22A:4-  
32 4.2).

33 b. Within three years of the effective date of P.L. ,  
34 c. (C. ) (pending before the Legislature as this bill), the Division  
35 of Archives and Records Management in the Department of State  
36 and the Department of the Treasury shall issue an interim report,  
37 displaying in a clear and concise manner, the information reported  
38 pursuant to subsection a. of this section, up to that point in time.  
39 The report shall specify, for each county, the time frame covered by  
40 the report, the number of documents recorded or filed categorized  
41 by document type and shall display the corresponding gross  
42 recording fee received by the clerk or register (before distribution  
43 or allocation to any dedicated fund) for each document type.

44 c. Within four years of the effective date of P.L. , c. (C. )  
45 (pending before the Legislature as this bill), the Division of  
46 Archives and Records Management in the Department of State and  
47 the Department of the Treasury shall issue a final report displaying  
48 in a clear and concise manner, the information reported pursuant to

1 subsection a. of this section, up to that point in time. The report  
2 shall specify, for each county, the time frame covered by the report,  
3 the number of documents recorded or filed categorized by document  
4 type and shall display the corresponding gross recording fee  
5 received by the clerk or register (before distribution or allocation to  
6 any dedicated fund) for each document type. The report shall also  
7 specify an average state-wide fee for the filing or recording of each  
8 type of document based upon the information reported by the clerks  
9 and registers pursuant to this section. The report may contain  
10 recommendations of the division and the department to the  
11 Legislature for the establishment of standard per document filing  
12 and recording fees.

13 d. A copy of the interim report required pursuant to subsection  
14 b. of this section and the final report, required pursuant to  
15 subsection c. of this section, shall be delivered to each member of  
16 the legislature, to each county clerk and register of deeds and  
17 mortgages and shall be made available to members of the general  
18 public by posting an electronic copy on the official web site for the  
19 State of New Jersey.

20 e. Five years after the date of adoption of P.L. , c. (C. )  
21 (pending before the Legislature as this bill), the Legislature shall  
22 consider the establishment of standard per document filing or  
23 recording fees for each type of document which is filed or recorded  
24 with a county recording officer. Standard per document filing and  
25 recording fees shall be set so that the per document fee is no less  
26 than the average fee for the filing or recording of the document as  
27 set forth in the final report required to be issued pursuant to  
28 subsection c. of this section. Any amendments to section 38 and 39  
29 P.L.2003, c.117 (C.22A:4-4.1 and 22A:4-4.2) for the purpose of  
30 establishing standard per document filing or recording fees shall not  
31 reduce the amount of revenue required to be deposited in the “New  
32 Jersey Public Records Preservation Account” or for the local  
33 government records management grant program related thereto  
34 pursuant to the provisions of section 39 of P.L.2003, c.117  
35 (C.22A:4-4.2) ‘or the county clerks’ or registers’ dedicated trust  
36 accounts pursuant to sections 7 and 13 of P.L.2001, c.370  
37 (C.22A:2-17.1 and C.22A:2-51.1)<sup>1</sup>.

38 Source: New

39

40 2. The following are repealed:

41 R.S.46:15-1.1;

42 R.S.46:16-1;

43 Section 1 of P.L.1939, c.170 (C.46:16-1.1);

44 R.S.46:16-2;

45 R.S.46:16-3;

46 R.S.46:16-4;

47 Sections 1 through 3 of P.L.1941, c.389 (C.46:16-4.1 through  
48 46:16-4.3)

1 R.S.46:16-5;  
2 P.L.1943, c.147, s.1 (C.46:16-5.1);  
3 R.S.46:16-6 through R.S.46:16-14;  
4 Sections 1 through 5 of P.L.1979, c.406 (C.46:16A-1 through  
5 46:16A-5);  
6 R.S.46:17-1 through R.S.46:17-4;  
7 R.S.46:18-1 through R.S.46:18-4;  
8 R.S.46:18-5.1;  
9 R.S.46:18-12;  
10 R.S.46:19-1 through R.S.46:19-6;  
11 R.S.46:20-1 through R.S.46:20-5;  
12 R.S.46:21-1 through R.S.46:21-4;  
13 R.S.46:22-1 through R.S.46:22-4;  
14 Sections 7 and 8 of P.L.1953, c.358 (C.46:23-9.7 and 46:23-9.8);  
15 Sections 1 through 8 of P.L.1960, c.141 (C.46:23-9.9 through  
16 46:23-9.16);  
17 Section 3 of P.L.1998, c.23 (C. 46:23-9.18);  
18 R.S.46:23-10 and R.S.46:23-11.  
19  
20 3. This act shall take effect on the first day of the fourth month  
21 next following the date of enactment.