

January 25, 1968

LEGISLATIVE HISTORY OF R.S. 3A:16-4
(Sale of infant's or incompetent's lands)

1966 Amendment

COPY NO. 2

In the following report, amendment of this act was indicated as recommended by the Supreme Court:

974.90 N.J. Legislature. Assembly. Judiciary
L415 Committee.
1964 Report ... Recommendations respecting
Legislation Contained in Court Opinions
filed from September 1960 to September 1964.

On page 2, Item 17 the following bill was recommended:

1963 - A406
Introduced January 28 by Lubetkin.
Bill had statement (Bill & statement identical to
S199 of 1966).
February 11 - Passed Assembly.
February 11 - Received in Senate, died in Committee.

As time permitted, we have been checking in the Judicial Conferences in the period immediately before 1963, but have been unable to find any such recommendation by the Supreme Court or its Committee on Rules.

This legislation was also introduced in 1965 and 1966:

1965 - S306 (copy enclosed).
Introduced May 10 by Stout.
Bill had statement.
Died in Senate Committee.

1965 - A797 (copy enclosed).
Introduced May 24 by Sears.
Bill had statement.
Died in Assembly Committee.

1966 - A226 (copy enclosed).
Introduced January 31 by Sears.
Bill had statement.
Died in Assembly Committee.

Bill which became law was:

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 LIBRARY

L. 1966, Chapter 41 - S199
Introduced February 14 by Stout & Ridolfi.
Bill had statement (copy enclosed).
Not amended during passage.

RS/PC

COPY

SENATE, No. 306

STATE OF NEW JERSEY

INTRODUCED MAY 10, 1965

By Senator STOUT

Referred to Committee on Judiciary

AN ACT concerning the real estate of minors and mental incompetents, amending sections 3A:16-4 and 3A:20-6 and repealing sections 3A:20-9, 3A:20-10 and 3A:20-11 of the New Jersey Statutes and "An act concerning the sale of lands of mental incompetents in certain cases and the disposition of the proceeds of such sales, and supplementing chapter 20 of Title 3A of the New Jersey Statutes," approved July 15, 1954 (P. L. 1954, c. 168).

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 3A:16-4 of the New Jersey Statutes is amended to read as
2 follows:

3 3A:16-4. *The County Court to which the guardian is accountable or*
4 **[The]** *the Superior Court in an action brought by any person may authorize*
5 *the sale of any lands or any part thereof or interest therein belonging in whole*
6 *or in part to a minor or other person who at the time may be under any legal*
7 *disability to act for himself.*

1 2. Section 3A:20-6 of the New Jersey Statutes is amended to read as
2 follows:

3 3A:20-6. When it shall be made to appear to the Superior Court or
4 *County Court, upon the application of any person acting in behalf of or in the*
5 *interest of a minor or mental incompetent, that the personal estate and the in-*
6 *come of the real estate of [a] such minor or mental incompetent is not suf-*

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

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185 W. State Street
Trenton, N. J.

7 ficient for his proper support and education or that of his spouse, household,
 8 family or children, the court may direct the guardian of the minor or mental
 9 incompetent, or a fiduciary holding real estate under a will, deed or other in-
 10 strument in trust for any such person, to borrow money upon security of the
 11 real estate in this State, or any part thereof or interest therein, belonging to
 12 the minor or mental incompetent or held in trust.

1 3. Sections 3A:20-9, 3A:20-10, 3A:20-11 of the New Jersey Statutes
 2 and "An act concerning the sale of lands of mental incompetents in certain
 3 cases and the disposition of the proceeds of such sales, and supplementing
 4 chapter 20 of Title 3A of the New Jersey Statutes," approved July 15, 1954,
 5 are repealed.

1 4. This act shall take effect immediately.

STATEMENT

This bill, recommended by the Supreme Court's Committee on Rules would confer upon the County Court to which the guardian is accountable general jurisdiction over the sale of infants' lands. In addition this bill would confer jurisdiction to sell any lesser interest in the land such as timber, crops or mineral interests, whereas the sections which this bill would repeal conferred authority only to sell timber growing on the land. Presently the County Court has general jurisdiction over the sale of lands of mental incompetents but its authority with respect to the sale of lands of minors is limited. With the granting of this general jurisdiction upon the County Court, those sections conferring limited authority may be repealed.

Also, this bill confers upon the County Court the same jurisdiction as the Superior Court with respect to the pledging of lands of a minor or mental incompetent when necessary for his proper support or education or that of his spouse, household, family or children. The application for the court to direct such action may be made by one acting in behalf of the minor or incompetent. This would allow a parent or spouse of the minor or incompetent to make the application.

ASSEMBLY, No. 797

STATE OF NEW JERSEY

INTRODUCED MAY 24, 1965

By Assemblyman SEARS

Referred to Committee on Judiciary

AN ACT concerning the real estate of minors and mental incompetents, amending sections 3A:16-4 and 3A:20-6 and repealing sections 3A:20-9, 3A:20-10 and 3A:20-11 of the New Jersey Statutes and "An act concerning the sale of lands of mental incompetents in certain cases and the disposition of the proceeds of such sales, and supplementing chapter 20 of Title 3A of the New Jersey Statutes," approved July 15, 1954 (P. L. 1954, c. 168).

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7 ficient for his proper support and education or that of his spouse, household,
 8 family or children, the court may direct the guardian of the minor or mental
 9 incompetent, or a fiduciary holding real estate under a will, deed or other in-
 10 strument in trust for any such person, to borrow money upon security of the
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ASSEMBLY, No. 226

STATE OF NEW JERSEY

INTRODUCED JANUARY 31, 1966

By Assemblyman SEARS

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning the real estate of minors and mental incompetents, amending sections 3A:16-4 and 3A:20-6 and repealing sections 3A:20-9, 3A:20-10 and 3A:20-11 of the New Jersey Statutes and "An act concerning the sale of lands of mental incompetents in certain cases and the disposition of the proceeds of such sales, and supplementing chapter 20 of Title 3A of the New Jersey Statutes," approved July 15, 1954 (P. L. 1954, c. 168).

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