

2A:45-1

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

NJSA: 2A:45-1 et seq.

(Lien and
encumbrance)

LAWS OF: 1947

CHAPTER: 416

Bill No: A348

Sponsor(s): Mathis

Date Introduced: March 17, 1947

Committee: Assembly: Judiciary

Senate: Judiciary

Amended during passage: No

Date of Passage: Assembly: March 25, 1947

Senate: March 31, 1947

Date of Approval: July 3, 1947

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: No

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

ASSEMBLY, No. 348

STATE OF NEW JERSEY

INTRODUCED MARCH 17, 1947

By Mrs. MATHIS

Referred to Committee on Judiciary

AN ACT to provide for the adjustment of claims in favor of the State, and amending sections 2:61-1 and 2:61-2 of the Revised Statutes.

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

1 1. Section 2:61-1 of the Revised Statutes is amended to read as fol-
2 lows:

3 2:61-1. Whenever the State of New Jersey has any lien or encumbrance
4 upon any lands and a suit arising out of any previous lien or encumbrance on
5 such lands is brought, or where such suit is instituted to foreclose the equity
6 of redemption under the sale of such lands for unpaid taxes or other munici-
7 pal liens, the lien or encumbrance of the State or its priority may be brought
8 in question and definitely settled by any court having jurisdiction of the sub-
9 ject matter of the suit.

1 2. Section 2:61-2 of the Revised Statutes is amended to read as fol-
2 lows:

3 2:61-2. In all suits wherein the lien, encumbrance, or priority of encum-
4 brance of the State shall be brought in question, a notice may issue out of the
5 court, directed to the State of New Jersey, stating the names of the parties
6 and the encumbrance or lien of the State sought to be affected, and advising
7 the State within what time it is required to plead, if it desires to defend,

8 which time shall be the same as prescribed in the usual process of that court
9 as to defendants other than the State. [Where the encumbrance or lien is for
10 an inheritance tax,] The notice shall state, in addition to the foregoing, (a)
11 where the encumbrance or lien is for an inheritance tax, if known, the name
12 of the decedent by reason of whose death the encumbrance or lien arises, the
13 date of death of such decedent, the county and State wherein such de-
14 cedent resided at the date of death, and the names and addresses of the de-
15 cedent's personal representatives, or, if none have been appointed, the names
16 and addresses of the decedent's heirs-at-law, or (b) where the encumbrance
17 or lien is for corporation taxes, or interest, costs or penalties imposed upon,
18 or by reason of, a corporation tax, the name of the corporation against which
19 the same was assessed or imposed. The notice, which in all cases shall be ac-
20 companied by a copy of the bill of complaint, complaint or like pleading for
21 the use of the State, may be served upon the Attorney-General as other
22 process is served out of such court.

1 3. This act shall take effect immediately.

STATEMENT

The object of this law is to cut off the State's lien for inheritance taxes and corporate franchise taxes where made a party to a municipality's tax sale foreclosure and fails to answer within time.

The amendment (chapter 198, laws of 1941), attempted to do this but is ineffectual in that it fails to provide for service of notice upon the State.

STATE OF NEW JERSEY

INTRODUCED MARCH 17, 1947

By Mrs. MATHIS

Referred to Committee on Judiciary

AN ACT to provide for the adjustment of claims in favor of the State, and amending sections 2:61-1 and 2:61-2 of the Revised Statutes.

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

1 1. Section 2:61-1 of the Revised Statutes is amended to read as fol-
2 lows:

3 2:61-1. Whenever the State of New Jersey has any lien or encumbrance
4 upon any lands and a suit arising out of any previous lien or encumbrance on
5 such lands is brought, or where such suit is instituted to foreclose the equity
6 of redemption under the sale of such lands for unpaid taxes or other munici-
7 pal liens, the lien or encumbrance of the State or its priority may be brought
8 in question and definitely settled by any court having jurisdiction of the sub-
9 ject matter of the suit.

1 2. Section 2:61-2 of the Revised Statutes is amended to read as fol-
2 lows:

3 2:61-2. In all suits wherein the lien, encumbrance, or priority of encum-
4 brance of the State shall be brought in question, a notice may issue out of the
5 court, directed to the State of New Jersey, stating the names of the parties
6 and the encumbrance or lien of the State sought to be affected, and advising
7 the State within what time it is required to plead, if it desires to defend,

8 which time shall be the same as prescribed in the usual process of that court
9-10 as to defendants other than the State. The notice shall state, in addition to the
11 foregoing, (a) where the encumbrance or lien is for an inheritance tax, if
12 known, the name of the decedent by reason of whose death the encumbrance or
13 lien arises, the date of death of such decedent, the county and State wherein
14 such decedent resided at the date of death, and the names and addresses of the
15 decedent's personal representatives, or, if none have been appointed, the names
16 and addresses of the decedent's heirs-at-law, or (b) where the encumbrance
17 or lien is for corporation taxes, or interest, costs or penalties imposed upon,
18 or by reason of, a corporation tax, the name of the corporation against which
19 the same was assessed or imposed. The notice, which in all cases shall be ac-
20 companied by a copy of the bill of complaint, complaint or like pleading for
21 the use of the State, may be served upon the Attorney-General as other
22 process is served out of such court.

1 3. This act shall take effect immediately.