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LAW/KR

§1 - Title 46.
Chapter 26A.
Recording
Chapter 26B.
Maps
Chapter 26C.
General and
Transitional
§2 - Repealer
§3 - Note

P.L.2011, CHAPTER 217, *approved January 17, 2012*
Assembly, No. 2565 (*First Reprint*)

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

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 floor amendments adopted December 15, 2011.

- 1 than two years;
- 2 d. mortgages or other conveyances in the nature of a mortgage;
- 3 e. liens or encumbrances and releases of liens or encumbrances
- 4 on any interest;
- 5 f. assignments, discharges, cancellations, or releases;
- 6 g. options and rights of first refusal;
- 7 h. certified copies of judgments, decrees and orders of courts of
- 8 record;
- 9 i. reports of condemnation commissioners filed with the
- 10 Superior Court; declarations of taking duly executed by executive
- 11 officials of condemnors in accordance with section 17 of P.L.1971,
- 12 c.361 (C.20:3-17);
- 13 j. notices of federal tax liens, liens arising from the federal
- 14 "Comprehensive Environmental Response, Compensation and
- 15 Liability Act of 1980," Pub.L.96-510 (42 U.S.C.9601 et seq.), and
- 16 other federal liens, which any Act of Congress or regulation
- 17 adopted pursuant to it provides for filing of notice in the recording
- 18 office designated by a state, and certificates discharging such liens;
- 19 k. restrictions affecting the real property or its use;
- 20 l. notices of settlement as provided by this chapter;
- 21 m. maps as provided by this chapter;
- 22 n. condominium master deeds and unit deeds as defined by
- 23 law;
- 24 o. cooperative master declarations and proprietary leases as
- 25 defined by law;
- 26 p. any other document that affects title to any interest in real
- 27 property in any way or contains any agreement in relation to real
- 28 property, or grants any right or interest in real property or grants
- 29 any lien on real property; and
- 30 q. any other document relating to real property that is directed
- 31 to be recorded by any statute or court order.

32 Source: 46:16-1.

33

34 46:26A-3. Prerequisites for recording.

35 a. A document satisfies the prerequisites for recording if it

36 appears from the document or the image of it delivered to the

37 recording office that:

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

39 into English;

40 (2) the document bears a signature;

41 (3) the document (including a corrected document submitted for

42 re-recording) is acknowledged or proved as provided by Title 46 of

43 the Revised Statutes;

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

45 the document;

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

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

48 (b) includes a reference to the lot and block number of the real

1 property conveyed as designated on the tax map of the municipality
2 at the time of the conveyance or the account number of the real
3 property,

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

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

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

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

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

18 46:26A-4. Exceptions to prerequisites to recording.

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

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

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

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

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

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

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

48 g. certified copies of:

- 1 (1) judgments, decrees, or orders of any court of record and
- 2 petitions filed in a United States Bankruptcy Court;
- 3 (2) government issued documents affecting title to real property,
- 4 including declarations of takings duly executed by executive
- 5 officials of condemnors in accordance with section 17 of P.L.1971,
- 6 c.361, (C.20:3-17);
- 7 (3) documents recorded or filed in any public recording office in
- 8 the United States;
- 9 h. a recorded mortgage bearing an endorsement:
- 10 (1) authorizing cancellation of the mortgage signed by the
- 11 mortgage holder; and
- 12 (2) made on the original mortgage that bears on it the receipt
- 13 given by the county recording officer at the time it was recorded;
- 14 and
- 15 i. any other document that is permitted by another statute to be
- 16 recorded or filed without acknowledgment.
- 17 Source: 46:16-1.1; 46:16-4.1; 46:16-4.2; 46:16-4.3; 46:16-5.1;
- 18 46:16-7; 46:16-9; 46:16-10; 46:16-13; 46:16-14; 46:16-15; 46:16-
- 19 17.
- 20
- 21 46:26A-5. Form of documents and maps; cover sheet or
- 22 electronic synopsis.
- 23 a. To be accepted for recording, a document or its image shall
- 24 be either:
- 25 (1) legibly printed on paper no larger than 8½ inches by 14
- 26 inches; or
- 27 (2) in compliance with regulations on the form of documents
- 28 promulgated by the Division of Archives and Records Management
- 29 in the Department of State.
- 30 b. A document or its image accepted for recording may be
- 31 accompanied by a cover sheet or an electronic synopsis separate
- 32 from the document or integrated with the document. The Division
- 33 of Archives and Records Management in the Department of State
- 34 shall establish forms for cover sheets and formats for electronic
- 35 synopses. The form for a separate cover sheet shall be available at
- 36 every recording office and on a web site maintained by the Division
- 37 of Archives and Records Management. The cover sheet or
- 38 electronic synopsis shall include:
- 39 (1) the nature of the document;
- 40 (2) the date of the document;
- 41 (3) the names of the parties to the document and any other
- 42 names by which the document is to be indexed;
- 43 (4) if the document is a deed conveying title to real property:
- 44 (i) the lot and block number or other real property tax
- 45 designation of the real property conveyed or a statement that the
- 46 information is not available;
- 47 (ii) the consideration for the conveyance;
- 48 (iii) the mailing address of the grantee; and

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

6 c. If the person submitting the document for recording does not
7 include a cover sheet or electronic synopsis, the recording office
8 shall charge an additional fee of \$20 for the additional cost of
9 indexing.

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

22 e. The regulations of the Division of Archives and Records
23 Management specifying the form of documents shall comply with
24 rules, standards and procedures authorized by the State Records
25 Committee pursuant to its authority under section 6 of P.L.1994,
26 c.140 (C.47:1-12) and the "Destruction of Public Records Law
27 (1953)," P.L.1953, c.410 (C.47:3-15 et seq.).

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

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

36
37 46:26A-6. Duty to record; recording officer's books, methods.

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

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

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

46 (3) is accompanied by payment of any required fee and any state
47 tax, if applicable, except that a State agency shall be afforded an
48 opportunity to pay on a periodic basis on an account established

1 with the county recording officer.

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

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

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

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

11 (1) produces a clear, accurate and permanent image of a
12 document,

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

15 (3) is authorized by R.S.47:1-5 and is in conformance with
16 rules, standards and procedures promulgated by the Division of
17 Archives and Records Management in the Department of State and
18 approved by the State Records Committee pursuant to its authority
19 under section 6 of P.L.1994, c.140 (C.47:1-12) and the "Destruction
20 of Public Records Law (1953)," P.L.1953, c.410
21 (C.47:3-15 et seq.)¹; provided, however, that the Division of
22 Archives and Records Management and the State Records
23 Committee shall establish rules, standards, and procedures for
24 recording in conjunction and collaboration with the county
25 recording officers¹.

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

29 (1) retain the documents or clear, accurate and permanent
30 images of the documents, and

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

32 g. The Division of Archives and Records Management and the
33 State Records Committee shall consult with the Office of
34 Telecommunications and Information Systems in the Department of
35 the Treasury in the development of general technical standards for
36 record keeping. Notwithstanding any general technical standards
37 developed pursuant to this section, the State Records Committee
38 may adopt rules and regulations to authorize pilot programs for
39 various individual counties in order to evaluate alternative
40 technologies for the preservation of records.

41 h. When a discharge, assignment, extension or postponement of
42 a mortgage is recorded, the recording officer may make a marginal
43 notation on the mortgage affected indicating the book and page
44 number or document identifying number of the discharge,
45 assignment, extension or postponement.

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

47

48 46:26A-7. Receipts for documents presented for record.

1 Upon request, the county recording officer shall:

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

3 b. return a copy of the document with the date and time it was
4 received for recording, the fee paid, and the book and page number
5 or other permanent, unique document identifying number assigned
6 to the document. If the copy returned is a paper document, the
7 information shall be endorsed on the document. If the copy
8 returned is an electronic document, then the receipt shall be sent
9 electronically.

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

11

12 46:26A-8. Indexes; entries.

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

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

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

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

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

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

27 c. A mortgage shall be indexed by the names of the mortgagors
28 and mortgagees.

29 d. An assignment, extension, postponement, modification or
30 discharge of a mortgage shall be indexed by the names of the
31 mortgagors, assignors and assignees.

32 e. A trust instrument shall be indexed by the names of the
33 parties to the instrument and in the names of beneficiaries if they
34 appear.

35 f. Any other document shall be indexed by the names of the
36 parties to it.

37 g. A document shall also be indexed by additional names
38 requested by the person submitting the document for recording if an
39 affidavit is presented at the time the document is presented for
40 recording attesting to 'facts establishing the specific relationship of
41 the names to the document submitted and' the need for indexing the
42 document by the additional names supplied.

43 h. A document shall be indexed from the information supplied
44 on its cover sheet or electronic synopsis if one is submitted. A
45 recording officer shall not be liable for differences between the
46 cover sheet or electronic synopsis and the document.

47 i. If a law requires a notation be placed on or in the margin of
48 any recorded or filed document, the statutory requirement for

1 marginal notations shall be satisfied by recording and indexing the
2 document.

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

4

5 46:26A-9. Sequence of recording.

6 The county recording officer shall record and index documents
7 in the order received. If two documents affecting the same property
8 are submitted for recording by the same person and are received at
9 the same time, the county recording officer shall record and index
10 the documents in the order requested by the person who submitted
11 them.

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

13

14 46:26A-10. Documents filed as provided by other statutes.

15 When a statute outside of this chapter provides that a document
16 relating to real property be filed rather than recorded:

17 a. requirements for the form and content of the document shall
18 be those established by the statute outside of this chapter;

19 b. the document shall be recorded with all other documents
20 affecting real property using the method established by section
21 26A-6(e) of this chapter; and

22 c. the document shall be indexed with all other documents
23 affecting real property as provided by section 26A-8 of this chapter.

24 Source: New.

25

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

27 a. A party to a settlement which will convey an interest in real
28 property, a mortgage on real property, or both, or the authorized
29 representative of a party or a licensed title insurance producer, may
30 execute a document titled "notice of settlement" and record it in the
31 county recording office of the county in which the real property is
32 located. The county recording officer may charge a fee not to
33 exceed the fee charged for the recording of notices of federal tax
34 liens.

35 b. The notice of settlement shall be signed by a party to the
36 settlement or a party's authorized representative and shall state the
37 names of the parties to the settlement and a description of the real
38 property. If the notice is executed by anyone other than an attorney
39 at law of this State, the execution shall be acknowledged or proved
40 in the manner of acknowledgment or proof of deeds.

41 c. A notice of settlement shall be in substantially the following
42 form:

43

44 Name

45 Address

46 (Seller or Mortgagor)

NOTICE OF SETTLEMENT

47

48 Name

1 Address)
2 (Purchaser or Mortgagee)

3

4 NOTICE is hereby given of a(contract,
5 agreement or mortgage commitment) between the parties.

6 THE lands to be affected are described as follows:

7 Premises in the of, (municipality) County of
8 and State of New Jersey, commonly known as
9 (street address) and more particularly
10 described as follows:

11 (legal description)

12

13 Name of party or authorized representative

14 Address

15 (acknowledgment)

16 d. A notice of settlement shall be effective for 60 days from the
17 date of recording, unless it is terminated by the recording of a
18 "discharge of notice of settlement." The effective period of a notice
19 of settlement may be extended for one period of 60 days by
20 recording an additional notice of settlement before the expiration or
21 discharge of the notice of settlement.

22 e. A discharge of notice of settlement shall be substantially in
23 the form prescribed for a notice of settlement and shall be recorded
24 by the party or authorized representative who recorded the notice of
25 settlement. The recording officer shall record and index each
26 discharge in the same fashion as a notice of settlement.

27 f. Any person who claims an interest in or lien on the real
28 property described in the notice of settlement arising during the
29 time that a notice of settlement is effective shall be deemed to have
30 acquired the interest or lien with knowledge of the anticipated
31 settlement and shall be subject to the estate or interest created by
32 the deed or mortgage described in the notice of settlement provided
33 the deed or mortgage is recorded within the time that the notice is
34 effective.

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

36

37 46:26A-12. Effect of recording.

38 a. Any recorded document affecting the title to real property is,
39 from the time of recording, notice to all subsequent purchasers,
40 mortgagees and judgment creditors of the execution of the
41 document recorded and its contents.

42 b. A claim under a recorded document affecting the title to real
43 property shall not be subject to the effect of a document that was
44 later recorded or was not recorded unless the claimant was on notice
45 of the later recorded or unrecorded document.

46 c. A deed or other conveyance of an interest in real property
47 shall be of no effect against subsequent judgment creditors without
48 notice, and against subsequent bona fide purchasers and mortgagees

1 for valuable consideration without notice and whose conveyance or
2 mortgage is recorded, unless that conveyance is evidenced by a
3 document that is first recorded.

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

5

6

CHAPTER 26B

7

MAPS

8

9 46:26B-1. Definitions.

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

12 "Condominium plan" means a survey of the condominium
13 property in sufficient detail to identify the location and dimensions
14 of units and common elements, which shall be filed in accordance
15 with the requirements of section 3 of P.L.1960, c.141 (C.46:23-
16 9.11). A condominium plan shall bear a certification by a land
17 surveyor, professional engineer or architect authorized to practice in
18 this State that the plan is a correct representation of the
19 improvements described.

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

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

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

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

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

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

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

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

1 Source: 46:23-9.10.

2

3 46:26B-2. Requirements for approval or filing of a map.

4 a. A map shall not be approved by a proper authority unless it
5 meets the requirements of this section specified for the kind of map
6 involved. The following kinds of maps shall meet the following
7 requirements:

8 (1) Major subdivision plats shall meet all of the requirements of
9 this section.

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

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

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

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

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

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

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

42 (4) The reference meridian used for bearings on the map shall be
43 shown graphically. The coordinate base, either assumed or based on
44 the New Jersey Plane Coordinate System, shall be shown on the
45 plat.

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

48 (6) All natural and artificial watercourses, streams, shorelines

1 and water boundaries and encroachment lines shall be shown. On
2 right of way parcel maps all easements that affect the right of way,
3 including slope easements and drainage, shall be shown and
4 dimensioned.

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

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

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

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

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

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

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

32 (Include the following, if applicable)

33 I further certify that the monuments as designated and shown have
34 been set.

35

36

37 Licensed Professional Land Surveyor and No.

38 (Affix Seal)

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

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

1

2 Licensed Professional Land Surveyor and No.

3 (Affix seal)

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

6 (Including the following if applicable)

7 I further certify that the monuments as designated and shown have
8 been set.

9

10

11 Licensed Professional Land Surveyor and No.

12 (Affix seal)

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

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

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

21

22

23 Municipal Clerk

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

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

28 I have carefully examined this map and to the best of my knowledge
29 and belief find it conforms with the provisions of "the map filing
30 law," resolution of approval and applicable municipal ordinances
31 and requirements.

32

33

34 Municipal Engineer (Affix Seal)

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

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

45 Source: 46:23-9.11.

46

47 46:26B-3. Monumentation.

48 a. A map shall not be approved by a proper authority unless it

1 meets the monumentation requirements of this section specified for
2 the kind of map involved. The following kinds of maps shall meet
3 the following requirements:

4 (1) Subdivision plats shall meet all of the requirements of this
5 section.

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

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

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

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

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

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

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

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

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

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

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

39 (e) At the point of compound curvature or point of reversed
40 curvature where either curve has a radius equal to or greater than
41 100 feet. Complete curve data as indicated in subsection d. of this
42 section shall be shown on the map, or

43 (f) At intermediate points in the sidelines of a street between
44 two adjacent street intersections in cases where the street deflects
45 from a straight line or the line of sight between the adjacent
46 intersections is obscured by a summit or other obstructions which
47 are impractical to remove. This requirement may necessitate the
48 setting of additional monuments at points not mentioned above.

1 Bearings and distances between the monuments or coordinate
2 values shall be indicated.

3 (6) In cases where it is impossible to set a monument at any of
4 the above designated points, a nearby reference monument shall be
5 set and its relation to the designated point shall be clearly
6 designated on the map; or the plate on the reference monument shall
7 be stamped with the word "offset" and its relation to the monument
8 shown on the filed map.

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

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

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

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

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

26

27 46:26B-4. Approval of maps.

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

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

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

36

37 46:26B-5. Additional prerequisites to filing.

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

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

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

45 c. The date by which the map is required to be filed by the
46 applicable law.

47 Source: 46:23-9.14.

1 46:26B-6. Filing and indexing of maps, fee.

2 a. The county recording officer shall file a map if an original
3 and a copy of the map are presented for filing, the map complies
4 with all the requirements for filing and is accompanied with the fees
5 for filing and indexing that are provided by law. ¹【No fee shall be
6 charged when the map is presented by the State of New Jersey, or
7 any of its agencies.】¹

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

10 c. The original map shall be retained by the recording office in
11 an appropriate manner for preservation and use for reproduction
12 purposes.

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

15 Source: 46:23-9.15.

16 46:26B-7. Duplicates of maps in cities having atlases or block
17 maps.

18 Whenever a map is filed in the office of the county recording
19 officer of land in a municipality that has an atlas, or block map, on
20 which is plotted the lots or subdivision of lots of lands, the person
21 filing the map shall file a duplicate of the map, and the recording
22 officer shall indorse on the duplicate the time of recording and
23 filing of the original and deliver the duplicate to the officer of the
24 city having charge of the atlas or block map.

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

28 Source: 46:23-10.

29

30 46:26B-8. Approval and filing of duplicates of filed maps.

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

42 Source: 46:23-11.

43

44

CHAPTER 26C

45

GENERAL AND TRANSITIONAL

46

47

46:26C-1. Regulations.

48

a. The Division of Archives and Records Management in the

1 Department of State in consultation with the County Clerks and
2 Registers of Deeds and Mortgages shall adopt regulations to
3 establish format and technical requirements for recorded documents
4 to foster state-wide uniformity in title recordation and otherwise to
5 implement P.L. , c. (C.) (pending before the Legislature as
6 this bill).

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

10 Source: New.

11

12 46:26C-2. "Uniform Electronic Transactions Act" superseded.

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

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

25 Source: New.

26

27 46:26C-3 Review of Document Filing and Recording Fees.

28 a. Within two years of the effective date of P.L. , c. (C.)
29 (pending before the Legislature as this bill), the Division of
30 Archives and Records Management in the Department of State and
31 the Department of the Treasury shall adopt rules and regulations
32 requiring county clerks and registers of deeds and mortgages to
33 report the number of documents recorded or filed and all document
34 filing and recording fees that are collected by their offices,
35 categorized by document type, to the division and to the
36 department. The rules and regulations shall develop and implement
37 a standard form and procedure for county clerks and registers of
38 deeds and mortgages to utilize and follow in order to report the
39 number of each type of document and the document filing and
40 recording fees collected by their offices in order to enable the
41 division and the department to prepare the reports required pursuant
42 to this section. The standard form and procedure shall also identify
43 the filing and recording fees delivered to the State Treasurer for
44 deposit in the "New Jersey Public Records Preservation Account,"
45 established pursuant to section 39 of P.L. 2003, c.117 (C.22A:4-
46 4.2).

47 b. Within three years of the effective date of P.L. ,
48 c. (C.) (pending before the Legislature as this bill), the Division

1 of Archives and Records Management in the Department of State
2 and the Department of the Treasury shall issue an interim report,
3 displaying in a clear and concise manner, the information reported
4 pursuant to subsection a. of this section, up to that point in time.
5 The report shall specify, for each county, the time frame covered by
6 the report, the number of documents recorded or filed categorized
7 by document type and shall display the corresponding gross
8 recording fee received by the clerk or register (before distribution
9 or allocation to any dedicated fund) for each document type.

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

27 d. A copy of the interim report required pursuant to subsection
28 b. of this section and the final report, required pursuant to
29 subsection c. of this section, shall be delivered to each member of
30 the legislature, to each county clerk and register of deeds and
31 mortgages and shall be made available to members of the general
32 public by posting an electronic copy on the official web site for the
33 State of New Jersey.

34 e. Five years after the date of adoption of P.L. , c. (C.)
35 (pending before the Legislature as this bill), the Legislature shall
36 consider the establishment of standard per document filing or
37 recording fees for each type of document which is filed or recorded
38 with a county recording officer. Standard per document filing and
39 recording fees shall be set so that the per document fee is no less
40 than the average fee for the filing or recording of the document as
41 set forth in the final report required to be issued pursuant to
42 subsection c. of this section. Any amendments to section 38 and 39
43 P.L.2003, c.117 (C.22A:4-4.1 and 22A:4-4.2) for the purpose of
44 establishing standard per document filing or recording fees shall not
45 reduce the amount of revenue required to be deposited in the “New
46 Jersey Public Records Preservation Account” or for the local
47 government records management grant program related thereto
48 pursuant to the provisions of section 39 of P.L.2003, c.117

1 (C.22A:4-4.2) ¹or the county clerks' or registers' dedicated trust
2 accounts pursuant to sections 7 and 13 of P.L.2001, c.370
3 (C.22A:2-17.1 and C.22A:2-51.1)¹.

4 Source: New

5

6 2. The following are repealed:

7 R.S.46:15-1.1;

8 R.S.46:16-1;

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

10 R.S.46:16-2;

11 R.S.46:16-3;

12 R.S.46:16-4;

13 Sections 1 through 3 of P.L.1941, c.389 (C.46:16-4.1 through
14 46:16-4.3)

15 R.S.46:16-5;

16 P.L.1943, c.147, s.1 (C.46:16-5.1);

17 R.S.46:16-6 through R.S.46:16-14;

18 Sections 1 through 5 of P.L.1979, c.406 (C.46:16A-1 through
19 46:16A-5);

20 R.S.46:17-1 through R.S.46:17-4;

21 R.S.46:18-1 through R.S.46:18-4;

22 R.S.46:18-5.1;

23 R.S.46:18-12;

24 R.S.46:19-1 through R.S.46:19-6;

25 R.S.46:20-1 through R.S.46:20-5;

26 R.S.46:21-1 through R.S.46:21-4;

27 R.S.46:22-1 through R.S.46:22-4;

28 Sections 7 and 8 of P.L.1953, c.358 (C.46:23-9.7 and 46:23-9.8);

29 Sections 1 through 8 of P.L.1960, c.141 (C.46:23-9.9 through
30 46:23-9.16);

31 Section 3 of P.L.1998, c.23 (C. 46:23-9.18);

32 R.S.46:23-10 and R.S.46:23-11.

33

34 3. This act shall take effect on the first day of the fourth month
35 next following the date of enactment.

36

37

38

39

40 _____
Revises law relating to title recordation.

ASSEMBLY, No. 2565

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MARCH 16, 2010

Sponsored by:

Assemblyman PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Co-Sponsored by:

Assemblymen Egan, Coughlin, Gusciora and Wisniewski

SYNOPSIS

Revises law relating to title recordation.

CURRENT VERSION OF TEXT

As introduced.



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
46 Liability Act of 1980," Pub.L.96-510 (42 U.S.C.9601 et seq.), and
47 other federal liens, which any Act of Congress or regulation
48 adopted pursuant to it provides for filing of notice in the recording

- 1 office designated by a state, and certificates discharging such liens;
2 k. restrictions affecting the real property or its use;
3 l. notices of settlement as provided by this chapter;
4 m. maps as provided by this chapter;
5 n. condominium master deeds and unit deeds as defined by
6 law;
7 o. cooperative master declarations and proprietary leases as
8 defined by law;
9 p. any other document that affects title to any interest in real
10 property in any way or contains any agreement in relation to real
11 property, or grants any right or interest in real property or grants
12 any lien on real property; and
13 q. any other document relating to real property that is directed
14 to be recorded by any statute or court order.
15 Source: 46:16-1.

16

17 46:26A-3. Prerequisites for recording.

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

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

23 (2) the document bears a signature;

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

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

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

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

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

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

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

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

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

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

2 46:26A-4. Exceptions to prerequisites to recording.

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

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

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

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

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

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

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

32 g. certified copies of:

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

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

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

41 h. a recorded mortgage bearing an endorsement:

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

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

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

1 Source: 46:16-1.1; 46:16-4.1; 46:16-4.2; 46:16-4.3; 46:16-5.1;
2 46:16-7; 46:16-9; 46:16-10; 46:16-13; 46:16-14; 46:16-15; 46:16-
3 17.

4

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

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

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

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

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

23 (1) the nature of the document;

24 (2) the date of the document;

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

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

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

31 (ii) the consideration for the conveyance;

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

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

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

42 d. To be accepted for recording, a map shall be clearly and
43 legibly drawn in black ink on translucent tracing cloth, translucent
44 mylars at least 4 mils thick or its equivalent, of good quality, with
45 signatures in ink, or as an equivalent reproduction on photographic
46 fixed line mylar 4 mils thick with signatures in black ink or its
47 equivalent and accompanied by a cloth print or photographic fixed
48 line mylar 4 mils thick duplicate; and one of six standard sizes: 8

1 1/2" x 13", 30" x 42", 24" x 36", 11" x 17", 18" x 24" or 15" x 21"
2 as measured from cutting edges. If one sheet is not of sufficient
3 size to contain the entire territory, the map may be divided into
4 sections to be shown on separate sheets of equal sizes, with
5 references on each sheet to the adjoining sheets.

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

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

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

20

21 46:26A-6. Duty to record; recording officer's books, methods.

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

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

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

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

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

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

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

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

43 (1) produces a clear, accurate and permanent image of a
44 document,

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

47 (3) is authorized by R.S.47:1-5 and is in conformance with
48 rules, standards and procedures promulgated by the Division of

1 Archives and Records Management in the Department of State and
2 approved by the State Records Committee pursuant to its authority
3 under section 6 of P.L.1994, c.140 (C.47:1-12) and the "Destruction
4 of Public Records Law (1953)," P.L.1953, c.410 (C.47:3-15 et seq.).

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

8 (1) retain the documents or clear, accurate and permanent
9 images of the documents, and

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

11 g. The Division of Archives and Records Management and the
12 State Records Committee shall consult with the Office of
13 Telecommunications and Information Systems in the Department of
14 the Treasury in the development of general technical standards for
15 record keeping. Notwithstanding any general technical standards
16 developed pursuant to this section, the State Records Committee
17 may adopt rules and regulations to authorize pilot programs for
18 various individual counties in order to evaluate alternative
19 technologies for the preservation of records.

20 h. When a discharge, assignment, extension or postponement of
21 a mortgage is recorded, the recording officer may make a marginal
22 notation on the mortgage affected indicating the book and page
23 number or document identifying number of the discharge,
24 assignment, extension or postponement.

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

26

27 46:26A-7. Receipts for documents presented for record.

28 Upon request, the county recording officer shall:

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

30 b. return a copy of the document with the date and time it was
31 received for recording, the fee paid, and the book and page number
32 or other permanent, unique document identifying number assigned
33 to the document. If the copy returned is a paper document, the
34 information shall be endorsed on the document. If the copy
35 returned is an electronic document, then the receipt shall be sent
36 electronically.

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

38

39 46:26A-8. Indexes; entries.

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

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

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

48 (2) the person granting the power of attorney if a deed is made

1 under power of attorney;

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

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

6 c. A mortgage shall be indexed by the names of the mortgagors
7 and mortgagees.

8 d. An assignment, extension, postponement, modification or
9 discharge of a mortgage shall be indexed by the names of the
10 mortgagors, assignors and assignees.

11 e. A trust instrument shall be indexed by the names of the
12 parties to the instrument and in the names of beneficiaries if they
13 appear.

14 f. Any other document shall be indexed by the names of the
15 parties to it.

16 g. A document shall also be indexed by additional names
17 requested by the person submitting the document for recording if an
18 affidavit is presented at the time the document is presented for
19 recording attesting to the need for indexing the document by the
20 additional names supplied.

21 h. A document shall be indexed from the information supplied
22 on its cover sheet or electronic synopsis if one is submitted. A
23 recording officer shall not be liable for differences between the
24 cover sheet or electronic synopsis and the document.

25 i. If a law requires a notation be placed on or in the margin of
26 any recorded or filed document, the statutory requirement for
27 marginal notations shall be satisfied by recording and indexing the
28 document.

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

30

31 46:26A-9. Sequence of recording.

32 The county recording officer shall record and index documents
33 in the order received. If two documents affecting the same property
34 are submitted for recording by the same person and are received at
35 the same time, the county recording officer shall record and index
36 the documents in the order requested by the person who submitted
37 them.

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

39

40 46:26A-10. Documents filed as provided by other statutes.

41 When a statute outside of this chapter provides that a document
42 relating to real property be filed rather than recorded:

43 a. requirements for the form and content of the document shall
44 be those established by the statute outside of this chapter;

45 b. the document shall be recorded with all other documents
46 affecting real property using the method established by section
47 26A-6(e) of this chapter; and

48 c. the document shall be indexed with all other documents

1 affecting real property as provided by section 26A-8 of this chapter.
2 Source: New.

3

4 46:26A-11. Notices of settlement.

5 a. A party to a settlement which will convey an interest in real
6 property, a mortgage on real property, or both, or the authorized
7 representative of a party or a licensed title insurance producer, may
8 execute a document titled "notice of settlement" and record it in the
9 county recording office of the county in which the real property is
10 located. The county recording officer may charge a fee not to
11 exceed the fee charged for the recording of notices of federal tax
12 liens.

13 b. The notice of settlement shall be signed by a party to the
14 settlement or a party's authorized representative and shall state the
15 names of the parties to the settlement and a description of the real
16 property. If the notice is executed by anyone other than an attorney
17 at law of this State, the execution shall be acknowledged or proved
18 in the manner of acknowledgment or proof of deeds.

19 c. A notice of settlement shall be in substantially the following
20 form:

21

22 Name

23 Address

24 (Seller or Mortgagor)

NOTICE OF SETTLEMENT

25

26 Name

27 Address

28 (Purchaser or Mortgagee)

29

30 NOTICE is hereby given of a(contract,
31 agreement or mortgage commitment) between the parties.

32 THE lands to be affected are described as follows:

33 Premises in the of, (municipality) County of

34 and State of New Jersey, commonly known as

35 (street address) and more particularly

36 described as follows:

37 (legal description)

38

39 Name of party or authorized representative

40 Address

41 (acknowledgment)

42 d. A notice of settlement shall be effective for 60 days from the
43 date of recording, unless it is terminated by the recording of a
44 "discharge of notice of settlement." The effective period of a notice
45 of settlement may be extended for one period of 60 days by
46 recording an additional notice of settlement before the expiration or
47 discharge of the notice of settlement.

48 e. A discharge of notice of settlement shall be substantially in

1 the form prescribed for a notice of settlement and shall be recorded
2 by the party or authorized representative who recorded the notice of
3 settlement. The recording officer shall record and index each
4 discharge in the same fashion as a notice of settlement.

5 f. Any person who claims an interest in or lien on the real
6 property described in the notice of settlement arising during the
7 time that a notice of settlement is effective shall be deemed to have
8 acquired the interest or lien with knowledge of the anticipated
9 settlement and shall be subject to the estate or interest created by
10 the deed or mortgage described in the notice of settlement provided
11 the deed or mortgage is recorded within the time that the notice is
12 effective.

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

14

15 46:26A-12. Effect of recording.

16 a. Any recorded document affecting the title to real property is,
17 from the time of recording, notice to all subsequent purchasers,
18 mortgagees and judgment creditors of the execution of the
19 document recorded and its contents.

20 b. A claim under a recorded document affecting the title to real
21 property shall not be subject to the effect of a document that was
22 later recorded or was not recorded unless the claimant was on notice
23 of the later recorded or unrecorded document.

24 c. A deed or other conveyance of an interest in real property
25 shall be of no effect against subsequent judgment creditors without
26 notice, and against subsequent bona fide purchasers and mortgagees
27 for valuable consideration without notice and whose conveyance or
28 mortgage is recorded, unless that conveyance is evidenced by a
29 document that is first recorded.

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

31

32 CHAPTER 26B

33 MAPS

34

35 46:26B-1. Definitions.

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

38 "Condominium plan" means a survey of the condominium
39 property in sufficient detail to identify the location and dimensions
40 of units and common elements, which shall be filed in accordance
41 with the requirements of section 3 of P.L.1960, c.141 (C.46:23-
42 9.11). A condominium plan shall bear a certification by a land
43 surveyor, professional engineer or architect authorized to practice in
44 this State that the plan is a correct representation of the
45 improvements described.

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

48 "General property parcel map" means a right of way parcel map

1 showing a group of parcel and easement acquisitions for part of a
2 highway or street project.

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

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

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

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

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

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

27 Source: 46:23-9.10.

28

29 46:26B-2. Requirements for approval or filing of a map.

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

34 (1) Major subdivision plats shall meet all of the requirements of
35 this section.

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

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

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

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

46 (1) A map shall show the scale, which shall be inches to feet and
47 be large enough to contain legibly written data on the dimensions,
48 bearings and all other details of the boundaries, and it shall also

1 show the graphic scale.

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

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

20 (4) The reference meridian used for bearings on the map shall be
21 shown graphically. The coordinate base, either assumed or based on
22 the New Jersey Plane Coordinate System, shall be shown on the
23 plat.

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

26 (6) All natural and artificial watercourses, streams, shorelines
27 and water boundaries and encroachment lines shall be shown. On
28 right of way parcel maps all easements that affect the right of way,
29 including slope easements and drainage, shall be shown and
30 dimensioned.

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

33 (8) The map shall clearly show all monumentation required by
34 this chapter, including monuments found, monuments set, and
35 monuments to be set. An indication shall be made where
36 monumentation found has been reset. For purposes of this
37 subsection "found corners" shall be considered monuments. A
38 minimum of three corners distributed around the tract shall indicate
39 the coordinate values. The outbound corner markers shall be set
40 pursuant to regulations promulgated by the State Board of
41 Professional Engineers and Land Surveyors.

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

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

47 (11)The map shall show the date of the survey and shall be in
48 accordance with the minimum survey detail requirements of the

1 State Board of Professional Engineers and Land Surveyors.

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

4 I certify that to the best of my knowledge and belief this map and
5 land survey dated meet the minimum
6 survey detail requirements of the State Board of Professional
7 Engineers and Land Surveyors and the map has been made under
8 my supervision, and complies with the "map filing law" and that the
9 outbound corner markers as shown have been found, or set.

10 (Include the following, if applicable)

11 I further certify that the monuments as designated and shown have
12 been set.

13

14

15 Licensed Professional Land Surveyor and No.

16 (Affix Seal)

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

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

25

26

27 Licensed Professional Land Surveyor and No.

28 (Affix seal)

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

31 (Including the following if applicable)

32 I further certify that the monuments as designated and shown have
33 been set.

34

35

36 Licensed Professional Land Surveyor and No.

37 (Affix seal)

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

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

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

46

47

48 Municipal Clerk

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

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

5 I have carefully examined this map and to the best of my knowledge
6 and belief find it conforms with the provisions of "the map filing
7 law," resolution of approval and applicable municipal ordinances
8 and requirements.

9
10

11 Municipal Engineer (Affix Seal)

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

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

22 Source: 46:23-9.11.

23

24 46:26B-3. Monumentation.

25 a. A map shall not be approved by a proper authority unless it
26 meets the monumentation requirements of this section specified for
27 the kind of map involved. The following kinds of maps shall meet
28 the following requirements:

29 (1) Subdivision plats shall meet all of the requirements of this
30 section.

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

33 b. Monuments are required on one side of the right of way only
34 and shall be of metal detectable durable material at least 30 inches
35 long. The top and bottom shall be a minimum of 4 inches square; if
36 concrete, however, it may be made of other durable metal detectable
37 material specifically designed to be permanent, as approved by the
38 State Board of Professional Engineers and Land Surveyors. All
39 monuments shall include the identification of the professional land
40 surveyor or firm. They shall be firmly set in the ground so as to be
41 visible at the following control points; provided that in lieu of
42 installation of the monuments, the municipality may accept bond
43 with sufficient surety in form and amount to be determined by the
44 governing body, conditioned upon the proper installation of the
45 monuments on the completion of the grading of the streets and
46 roads shown on the map.

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

- 1 (2) At the intersection of the outside boundary of the whole tract
2 with the right-of-way line on one side of a street being established
3 by the map under consideration.
- 4 (3) At one corner formed by the intersection of the right-of-way
5 lines of any two streets at a T-type intersection.
- 6 (4) At any two corners formed by the right-of-way lines of any
7 two streets in an "X" or "Y" type intersection.
- 8 (5) If the right-of-way lines of two streets are connected by a
9 curve at an intersection, monuments shall be as stipulated in (3) and
10 (4) of this subsection at one of the following control points:
 - 11 (a) The point of intersection of the prolongation of said lines,
 - 12 (b) The point of curvature of the connecting curve,
 - 13 (c) The point of tangency of the connecting curve,
 - 14 (d) At the beginning and ending of all tangents on one side of
15 any street, or
 - 16 (e) At the point of compound curvature or point of reversed
17 curvature where either curve has a radius equal to or greater than
18 100 feet. Complete curve data as indicated in subsection d. of this
19 section shall be shown on the map, or
 - 20 (f) At intermediate points in the sidelines of a street between
21 two adjacent street intersections in cases where the street deflects
22 from a straight line or the line of sight between the adjacent
23 intersections is obscured by a summit or other obstructions which
24 are impractical to remove. This requirement may necessitate the
25 setting of additional monuments at points not mentioned above.
26 Bearings and distances between the monuments or coordinate
27 values shall be indicated.
- 28 (6) In cases where it is impossible to set a monument at any of
29 the above designated points, a nearby reference monument shall be
30 set and its relation to the designated point shall be clearly
31 designated on the map; or the plate on the reference monument shall
32 be stamped with the word "offset" and its relation to the monument
33 shown on the filed map.
- 34 (7) In areas where permanency of monuments may be better
35 insured by off-setting the monuments from the property line, the
36 municipal engineer may authorize such procedure; provided, that
37 proper instrument sights may be obtained and complete off-set data
38 is recorded on the map.
- 39 (8) By the filing of a map in accordance with the provisions of
40 "the map filing law," reasonable survey access to the monuments is
41 granted, which shall not restrict in any way the use of the property
42 by the landowner.
- 43 (9) On right of way parcel maps, the monuments shall be set at
44 the points of curvature, points of tangency, points of reverse
45 curvature and points of compound curvature or the control base line
46 or center line, if used, and be intervisible with a second monument.
- 47 (10) On minor subdivisions a monument shall be set at each
48 intersection of an outside boundary of the newly created lot or lots

1 with the right of way line of any side of an existing street.

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

3

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

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

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

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

13

14 46:26B-5. Additional prerequisites to filing.

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

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

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

22 c. The date by which the map is required to be filed by the
23 applicable law.

24 Source: 46:23-9.14.

25

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

27 a. The county recording officer shall file a map if an original
28 and a copy of the map are presented for filing, the map complies
29 with all the requirements for filing and is accompanied with the fees
30 for filing and indexing that are provided by law. No fee shall be
31 charged when the map is presented by the State of New Jersey, or
32 any of its agencies.

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

35 c. The original map shall be retained by the recording office in
36 an appropriate manner for preservation and use for reproduction
37 purposes.

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

40 Source: 46:23-9.15.

41

42 46:26B-7. Duplicates of maps in cities having atlases or block
43 maps.

44 Whenever a map is filed in the office of the county recording
45 officer of land in a municipality that has an atlas, or block map, on
46 which is plotted the lots or subdivision of lots of lands, the person
47 filing the map shall file a duplicate of the map, and the recording
48 officer shall indorse on the duplicate the time of recording and

1 filing of the original and deliver the duplicate to the officer of the
2 city having charge of the atlas or block map.

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

6 Source: 46:23-10.

7

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

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

20 Source: 46:23-11.

21

22

23

CHAPTER 26C

24

GENERAL AND TRANSITIONAL

25

26 46:26C-1. Regulations.

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

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

37 Source: New.

38

39 46:26C-2. "Uniform Electronic Transactions Act" superseded.

40 The provisions of P.L. , c. (C.) (pending before the
41 Legislature as this bill) shall take precedence over any conflicting
42 provisions contained in sections 17 and 18 of the "Uniform
43 Electronic Transactions Act," P.L.2001, c.116 (C.12A:12-17 and
44 12A:12-18).

45 The provisions of P.L. , c. (C.) (pending before the
46 Legislature as this bill) shall modify, limit and supersede the federal
47 Electronic Signatures in Global and National Commerce Act (15
48 U.S.C. Section 7001, et seq.) but shall not modify, limit or

1 supersede Section 101(c) of that act (15 U.S.C. Section 7001(c)) or
2 authorize electronic delivery of any of the notices described in
3 Section 103(b) of that act (15 U.S.C. Section 7003(b)).

4 Source: New.

5
6 46:26C-3 Review of Document Filing and Recording Fees.

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

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

37 c. Within four 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 issue a final report displaying
41 in a clear and concise manner, the information reported pursuant to
42 subsection a. of this section, up to that point in time. The report
43 shall specify, for each county, the time frame covered by the report,
44 the number of documents recorded or filed categorized by document
45 type and shall display the corresponding gross recording fee
46 received by the clerk or register (before distribution or allocation to
47 any dedicated fund) for each document type. The report shall also
48 specify an average state-wide fee for the filing or recording of each

1 type of document based upon the information reported by the clerks
2 and registers pursuant to this section. The report may contain
3 recommendations of the division and the department to the
4 Legislature for the establishment of standard per document filing
5 and recording fees.

6 d. A copy of the interim report required pursuant to subsection
7 b. of this section and the final report, required pursuant to
8 subsection c. of this section, shall be delivered to each member of
9 the Legislature, to each county clerk and register of deeds and
10 mortgages and shall be made available to members of the general
11 public by posting an electronic copy on the official web site for the
12 State of New Jersey.

13 e. Five years after the date of adoption of P.L. , c. (C.)
14 (pending before the Legislature as this bill), the Legislature shall
15 consider the establishment of standard per document filing or
16 recording fees for each type of document which is filed or recorded
17 with a county recording officer. Standard per document filing and
18 recording fees shall be set so that the per document fee is no less
19 than the average fee for the filing or recording of the document as
20 set forth in the final report required to be issued pursuant to
21 subsection c. of this section. Any amendments to section 38 and 39
22 P.L.2003, c.117 (C.22A:4-4.1 and 22A:4-4.2) for the purpose of
23 establishing standard per document filing or recording fees shall not
24 reduce the amount of revenue required to be deposited in the “New
25 Jersey Public Records Preservation Account” or for the local
26 government records management grant program related thereto
27 pursuant to the provisions of section 39 of P.L.2003, c.117
28 (C.22A:4-4.2).

29 Source: New

30

31 2. The following are repealed:

32 R.S.46:15-1.1;

33 R.S.46:16-1;

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

35 R.S.46:16-2;

36 R.S.46:16-3;

37 R.S.46:16-4;

38 Sections 1 through 3 of P.L.1941, c.389 (C.46:16-4.1 through
39 46:16-4.3)

40 R.S.46:16-5;

41 P.L.1943, c.147, s.1 (C.46:16-5.1);

42 R.S.46:16-6 through R.S.46:16-14;

43 Sections 1 through 5 of P.L.1979, c.406 (C.46:16A-1 through
44 46:16A-5);

45 R.S.46:17-1 through R.S.46:17-4;

46 R.S.46:18-1 through R.S.46:18-4;

47 R.S.46:18-5.1;

48 R.S.46:18-12;

1 R.S.46:19-1 through R.S.46:19-6;
2 R.S.46:20-1 through R.S.46:20-5;
3 R.S.46:21-1 through R.S.46:21-4;
4 R.S.46:22-1 through R.S.46:22-4;
5 Sections 7 and 8 of P.L.1953, c.358 (C.46:23-9.7 and 46:23-9.8);
6 Sections 1 through 8 of P.L.1960, c.141 (C.46:23-9.9 through
7 46:23-9.16);
8 Section 3 of P.L.1998, c.23 (C. 46:23-9.18);
9 R.S.46:23-10 and R.S.46:23-11.

10

11 3. This act shall take effect on the first day of the fourth month
12 next following the date of enactment.

13

14

15

STATEMENT

16

17 This bill, based upon the New Jersey Law Revision Commission
18 November 2003 Final Report relating to Title Recordation, would
19 revise the statutes pertaining to the recording of title documents.
20 The federal Electronic Signatures in Global and National
21 Commerce Act (E-sign), 15 U.S.C.7001 et seq., and the Uniform
22 Electronic Transactions Act (UETA), adopted by New Jersey at
23 P.L.2001, c.116 require the acceptance of electronic alternatives to
24 paper documents. While the use of electronic deeds and mortgages
25 is not expected to occur in the near term, both E-sign and UETA
26 encourage the development of systems that will accept electronic
27 documents without disrupting the ongoing process of title
28 recordation.

29

30 The New Jersey statutes related to the recording and indexing of
31 title documents are contained in Title 46, chapters 15 to 26. Most
32 of these statutes date from a period when recording meant the
33 inclusion of documents in large well-bound books of good paper.
34 The statutes initially were amended to allow recording offices to
35 microfilm documents. Later amendments in 1997 permitted the use
36 of any other method of recording that was "in conformance with
37 rules, standards and procedures promulgated by the Division of
38 Archives and Records Management in the Department of State and
39 approved by the State Records Committee pursuant to its authority
40 under section 6 of P.L.1994, c.140 (C.47:1-12) and the 'Destruction
41 of Public Records Law (1953),' P.L.1953, c.410 (C.47:3-15 et
42 seq.)." N.J.S.46:19-1. This system for approving new methods of
43 recording documents has the advantage of not requiring any
44 particular manner of recording so it will not become obsolete with
45 changes of recording technology.

46

47 The increased use of new methods of recording that affect the
48 way documents are recorded and processed, however, necessitates
an increase in regulatory authority to assure uniformity.

48

This bill addresses the methods of recording and indexing and

1 reflects the same approach as the existing law. References to
2 separate sets of books or separate databases for different kinds of
3 documents have been deleted, since with modern technology, an
4 index serves the same function. Requirements for marginal notation
5 of documents also have been deleted, however, the bill does
6 authorize recording officers to continue to utilize this practice. In
7 addition, the revision attempts to simplify the statutes, combining
8 overlapping provisions and deleting unnecessary ones. The current
9 Chapter 16, for example, begins with a section that characterizes
10 and lists the documents that may be recorded. Other statutory
11 sections that address the recording of particular kinds of documents
12 follow Chapter 16. In the revision, these sections have been
13 combined into one section that lists documents entitled to recording,
14 although in an exercise of caution, the revision retains specifically
15 listed documents that arguably might fall within more general
16 categories.

17 The bill also includes language allowing format requirements for
18 documents. The current statutes contain some limitations on the
19 size of paper documents and on the quality of paper used. The
20 problem of formatting becomes more acute if electronic equivalents
21 to paper documents are to be accepted. Format requirements must
22 be standardized throughout the State so that recording offices can
23 be ready to accept electronic documents from a variety of sources,
24 and so that persons can know and comply with them regardless of
25 the office in which they are being recorded. It must be
26 acknowledged, however, that conventional paper documents will
27 continue to be recorded for the foreseeable future. This revision is
28 a first step toward balancing the need to use technological advances
29 where appropriate, with the recognition that it is not appropriate to
30 mandate an immediate switch to the latest technological
31 development. The Law Revision Commission Report sets forth
32 detailed comments explaining the substance of and source for each
33 new section of law contained in the bill. The Law Revision
34 Commission report is available "on-line" at
35 <http://www.lawrev.state.nj.us/titlerecordation/trFR111303.pdf> or at
36 <http://www.lawrev.state.nj.us/titlerecordation/trFR111303.doc>.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2565

STATE OF NEW JERSEY

DATED: JUNE 13, 2011

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 2565.

This bill, based upon the New Jersey Law Revision Commission November 2003 Final Report relating to Title Recordation, would revise the statutes pertaining to the recording of title documents. The federal Electronic Signatures in Global and National Commerce Act (E-sign), 15 U.S.C.7001 et seq., and the Uniform Electronic Transactions Act (UETA), adopted by New Jersey at P.L.2001, c.116 require the acceptance of electronic alternatives to paper documents. While the use of electronic deeds and mortgages is not expected to occur in the near term, both E-sign and UETA encourage the development of systems that will accept electronic documents without disrupting the ongoing process of title recordation.

The New Jersey statutes related to the recording and indexing of title documents are contained in Title 46, chapters 15 to 26. Most of these statutes date from a period when recording meant the inclusion of documents in large well-bound books of good paper. The statutes initially were amended to allow recording offices to microfilm documents. Later amendments in 1997 permitted the use of any other method of recording that was "in conformance with rules, standards and procedures promulgated by the Division of Archives and Records Management in the Department of State and approved by the State Records Committee pursuant to its authority under section 6 of P.L.1994, c.140 (C.47:1-12) and the 'Destruction of Public Records Law (1953),' P.L.1953, c.410 (C.47:3-15 et seq.)." N.J.S.A.46:19-1. This system for approving new methods of recording documents has the advantage of not requiring any particular manner of recording so it will not become obsolete with changes of recording technology.

The increased use of new methods of recording that affect the way documents are recorded and processed, however, necessitates an increase in regulatory authority to assure uniformity.

This bill addresses the methods of recording and indexing and reflects the same approach as the existing law. References to separate sets of books or separate databases for different kinds of documents have been deleted, since with modern technology, an index serves the

same function. Requirements for marginal notation of documents also have been deleted, however, the bill does authorize recording officers to continue to utilize this practice. In addition, the revision attempts to simplify the statutes, combining overlapping provisions and deleting unnecessary ones. The current Chapter 16, for example, begins with a section that characterizes and lists the documents that may be recorded. Other statutory sections that address the recording of particular kinds of documents follow Chapter 16. In the revision, these sections have been combined into one section that lists documents entitled to recording, although in an exercise of caution, the revision retains specifically listed documents that arguably might fall within more general categories.

The bill also includes language allowing format requirements for documents. The current statutes contain some limitations on the size of paper documents and on the quality of paper used. The problem of formatting becomes more acute if electronic equivalents to paper documents are to be accepted. Format requirements must be standardized throughout the State so that recording offices can be ready to accept electronic documents from a variety of sources, and so that persons can know and comply with them regardless of the office in which they are being recorded. It must be acknowledged, however, that conventional paper documents will continue to be recorded for the foreseeable future. This revision is a first step toward balancing the need to use technological advances where appropriate, with the recognition that it is not appropriate to mandate an immediate switch to the latest technological development. The Law Revision Commission Report sets forth detailed comments explaining the substance of and source for each new section of law contained in the bill. The Law Revision Commission report is available "on-line" at <http://www.lawrev.state.nj.us/titlerecordation/trFR111303.pdf> or at <http://www.lawrev.state.nj.us/titlerecordation/trFR111303.doc>.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2565

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2011

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 2565.

This bill, based upon the New Jersey Law Revision Commission November 2003 Final Report relating to Title Recordation, would revise the statutes pertaining to the recording of title documents. The federal Electronic Signatures in Global and National Commerce Act (E-sign), 15 U.S.C. s.7001 et seq., and the Uniform Electronic Transactions Act (UETA), adopted by New Jersey at P.L.2001, c.116, require the acceptance of electronic alternatives to paper documents. While the use of electronic deeds and mortgages is not expected to occur in the near term, both E-sign and UETA encourage the development of systems that will accept electronic documents without disrupting the ongoing process of title recordation.

The New Jersey statutes related to the recording and indexing of title documents are contained in Title 46, chapters 15 to 26. Most of these statutes date from a period when recording meant the inclusion of documents in large well-bound books of good paper. The statutes initially were amended to allow recording offices to microfilm documents. Later, amendments in 1997 permitted the use of any other method of recording that was "in conformance with rules, standards and procedures promulgated by the Division of Archives and Records Management in the Department of State and approved by the State Records Committee pursuant to its authority under section 6 of P.L.1994, c.140 (C.47:1-12) and the 'Destruction of Public Records Law (1953),' P.L.1953, c.410 (C.47:3-15 et seq.)." N.J.S.A.46:19-1. This system for approving new methods of recording documents has the advantage of not requiring any particular manner of recording so it will not become obsolete with changes of recording technology.

The increased use of new methods of recording that affect the way documents are recorded and processed, however, necessitates an increase in regulatory authority to assure uniformity.

This bill addresses the methods of recording and indexing and reflects the same approach as the existing law. References to separate sets of books or separate databases for different kinds of documents have been deleted, since with modern technology, an index serves the same function. Requirements for marginal notation of documents also have been deleted; however, the bill does authorize recording officers

to continue to utilize this practice. In addition, the revision attempts to simplify the statutes, combining overlapping provisions and deleting unnecessary ones. The current Chapter 16, for example, begins with a section that characterizes and lists the documents that may be recorded. Other statutory sections that address the recording of particular kinds of documents follow Chapter 16. In the revision, these sections have been combined into one section that lists documents entitled to recording, although in an exercise of caution, the revision retains specifically listed documents that arguably might fall within more general categories.

The bill also includes language allowing format requirements for documents. The current statutes contain some limitations on the size of paper documents and on the quality of paper used. The problem of formatting becomes more acute if electronic equivalents to paper documents are to be accepted. Format requirements must be standardized throughout the State so that recording offices can be ready to accept electronic documents from a variety of sources, and so that persons can know and comply with them regardless of the office in which they are being recorded. It must be acknowledged, however, that conventional paper documents will continue to be recorded for the foreseeable future. This revision is a first step toward balancing the need to use technological advances where appropriate, with the recognition that it is not appropriate to mandate an immediate switch to the latest technological development. The Law Revision Commission Report sets forth detailed comments explaining the substance of, and source for, each new section of law contained in the bill. The Law Revision Commission report is available "on-line" at <http://www.lawrev.state.nj.us/titlerecordation/trFR111303.pdf> or at <http://www.lawrev.state.nj.us/titlerecordation/trFR111303.doc>.

STATEMENT TO
ASSEMBLY, No. 2565

with Senate Floor Amendments
(Proposed by Senator RICE)

ADOPTED: DECEMBER 15, 2011

These proposed floor amendments would:

in section 46:26A-6, require the Division of Archives and Records Management and the State Records Committee in the Department of State to establish rules, standards, and procedures for the recording of documents in conjunction and collaboration with the county recording officers (county clerks and registers of deeds and mortgages);

in section 46:26A-8, require that in the case of a document requested to be indexed by additional names, the required affidavit must provide facts establishing the specific relationship of the names to the document submitted;

in section 46:26B-6; remove language requiring that no fee shall be charged for map filings by the state of New Jersey; and

in section 46:26C-3; add a reference to the county clerks' or register of deeds and mortgages' dedicated trust accounts.

SENATE, No. 88

STATE OF NEW JERSEY
214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Senator RONALD L. RICE

District 28 (Essex)

Co-Sponsored by:

Senator Beck

SYNOPSIS

Revises law relating to title recordation.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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
46 Liability Act of 1980," Pub.L.96-510 (42 U.S.C.9601 et seq.), and
47 other federal liens, which any Act of Congress or regulation
48 adopted pursuant to it provides for filing of notice in the recording

- 1 office designated by a state, and certificates discharging such liens;
2 k. restrictions affecting the real property or its use;
3 l. notices of settlement as provided by this chapter;
4 m. maps as provided by this chapter;
5 n. condominium master deeds and unit deeds as defined by
6 law;
7 o. cooperative master declarations and proprietary leases as
8 defined by law;
9 p. any other document that affects title to any interest in real
10 property in any way or contains any agreement in relation to real
11 property, or grants any right or interest in real property or grants
12 any lien on real property; and
13 q. any other document relating to real property that is directed
14 to be recorded by any statute or court order.

15 Source: 46:16-1.

16

17 46:26A-3. Prerequisites for recording.

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

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

23 (2) the document bears a signature;

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

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

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

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

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

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

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

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

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

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

- 1 46:26A-4. Exceptions to prerequisites to recording.
2 Notwithstanding the prerequisites to recording in section 26A-3,
3 the following may be recorded:
4 a. documents that establish or evidence a trust under which a
5 fiduciary has acquired real property if accompanied by an affidavit
6 of the fiduciary that the document is an original trust document;
7 b. ancient documents that cannot be acknowledged or proved
8 because of the death or other disability of the grantors and
9 subscribing witnesses, accompanied by an affidavit made by a
10 person claiming to derive title from the document stating that the
11 affiant truly believes that quiet, continuous, adverse and
12 undisturbed possession of the real property has been enjoyed by
13 virtue of the document for the period applicable for adverse
14 possession;
15 c. documents other than those listed in section 26A-2 that by
16 their nature cannot be acknowledged or proved, accompanied by an
17 affidavit made by a person claiming to derive title to the real
18 property stating that the document is genuine and how the document
19 relates to title to the real property;
20 d. notices of federal tax liens, liens arising from the federal
21 "Comprehensive Environmental Response, Compensation and
22 Liability Act of 1980," Pub.L.96-510 (42 U.S.C. 9601 et seq.), and
23 other federal liens, which any Act of Congress or regulation
24 adopted pursuant to it provides for filing of notice in the recording
25 office designated by a state, and certificates discharging such liens;
26 e. maps as provided by P.L. , c. (C.) (pending before the
27 Legislature as this bill);
28 f. notices of settlement executed by an attorney at law or
29 authorized representative of a party in accordance with
30 P.L. , c. (C.) (pending before the Legislature as this bill);
31 g. certified copies of:
32 (1) judgments, decrees, or orders of any court of record and
33 petitions filed in a United States Bankruptcy Court;
34 (2) government issued documents affecting title to real property,
35 including declarations of takings duly executed by executive
36 officials of condemnors in accordance with section 17 of P.L.1971,
37 c.361, (C.20:3-17);
38 (3) documents recorded or filed in any public recording office in
39 the United States;
40 h. a recorded mortgage bearing an endorsement:
41 (1) authorizing cancellation of the mortgage signed by the
42 mortgage holder; and
43 (2) made on the original mortgage that bears on it the receipt
44 given by the county recording officer at the time it was recorded;
45 and
46 i. any other document that is permitted by another statute to be
47 recorded or filed without acknowledgment.
48 Source: 46:16-1.1; 46:16-4.1; 46:16-4.2; 46:16-4.3; 46:16-5.1;

1 46:16-7; 46:16-9; 46:16-10; 46:16-13; 46:16-14; 46:16-15; 46:16-
2 17.

3

4 46:26A-5. Form of documents and maps; cover sheet or
5 electronic synopsis.

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

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

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

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

22 (1) the nature of the document;

23 (2) the date of the document;

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

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

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

30 (ii) the consideration for the conveyance;

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

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

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

41 d. To be accepted for recording, a map shall be clearly and
42 legibly drawn in black ink on translucent tracing cloth, translucent
43 mylars at least 4 mils thick or its equivalent, of good quality, with
44 signatures in ink, or as an equivalent reproduction on photographic
45 fixed line mylar 4 mils thick with signatures in black ink or its
46 equivalent and accompanied by a cloth print or photographic fixed
47 line mylar 4 mils thick duplicate; and one of six standard sizes: 8
48 1/2" x 13", 30" x 42", 24" x 36", 11" x 17", 18" x 24" or 15" x 21"

1 as measured from cutting edges. If one sheet is not of sufficient
2 size to contain the entire territory, the map may be divided into
3 sections to be shown on separate sheets of equal sizes, with
4 references on each sheet to the adjoining sheets.

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

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

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

19

20 46:26A-6. Duty to record; recording officer's books, methods.

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

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

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

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

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

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

38 d. When a document is recorded, a book and page number or
39 other permanent, unique document identifying number shall be
40 assigned to the document.

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

42 (1) produces a clear, accurate and permanent image of a
43 document,

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

46 (3) is authorized by R.S.47:1-5 and is in conformance with
47 rules, standards and procedures promulgated by the Division of
48 Archives and Records Management in the Department of State and

1 approved by the State Records Committee pursuant to its authority
2 under section 6 of P.L.1994, c.140 (C.47:1-12) and the "Destruction
3 of Public Records Law (1953)," P.L.1953, c.410 (C.47:3-15 et seq.).

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

7 (1) retain the documents or clear, accurate and permanent
8 images of the documents, and

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

10 g. The Division of Archives and Records Management and the
11 State Records Committee shall consult with the Office of
12 Telecommunications and Information Systems in the Department of
13 the Treasury in the development of general technical standards for
14 record keeping. Notwithstanding any general technical standards
15 developed pursuant to this section, the State Records Committee
16 may adopt rules and regulations to authorize pilot programs for
17 various individual counties in order to evaluate alternative
18 technologies for the preservation of records.

19 h. When a discharge, assignment, extension or postponement of
20 a mortgage is recorded, the recording officer may make a marginal
21 notation on the mortgage affected indicating the book and page
22 number or document identifying number of the discharge,
23 assignment, extension or postponement.

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

25

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

27 Upon request, the county recording officer shall:

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

29 b. return a copy of the document with the date and time it was
30 received for recording, the fee paid, and the book and page number
31 or other permanent, unique document identifying number assigned
32 to the document. If the copy returned is a paper document, the
33 information shall be endorsed on the document. If the copy
34 returned is an electronic document, then the receipt shall be sent
35 electronically.

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

37

38 46:26A-8. Indexes; entries.

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

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

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

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

- 1 (3) the defendants in the execution for which the sale was made
2 if a deed is made by a sheriff; and
- 3 (4) the person whose property has been conveyed if a deed is
4 made by a person appointed to convey property by a court.
- 5 c. A mortgage shall be indexed by the names of the mortgagors
6 and mortgagees.
- 7 d. An assignment, extension, postponement, modification or
8 discharge of a mortgage shall be indexed by the names of the
9 mortgagors, assignors and assignees.
- 10 e. A trust instrument shall be indexed by the names of the
11 parties to the instrument and in the names of beneficiaries if they
12 appear.
- 13 f. Any other document shall be indexed by the names of the
14 parties to it.
- 15 g. A document shall also be indexed by additional names
16 requested by the person submitting the document for recording if an
17 affidavit is presented at the time the document is presented for
18 recording attesting to the need for indexing the document by the
19 additional names supplied.
- 20 h. A document shall be indexed from the information supplied
21 on its cover sheet or electronic synopsis if one is submitted. A
22 recording officer shall not be liable for differences between the
23 cover sheet or electronic synopsis and the document.
- 24 i. If a law requires a notation be placed on or in the margin of
25 any recorded or filed document, the statutory requirement for
26 marginal notations shall be satisfied by recording and indexing the
27 document.
- 28 Source: 46:20-1; 46:20-3; 46:20-5; 46:19-2.
29
- 30 46:26A-9. Sequence of recording.
- 31 The county recording officer shall record and index documents
32 in the order received. If two documents affecting the same property
33 are submitted for recording by the same person and are received at
34 the same time, the county recording officer shall record and index
35 the documents in the order requested by the person who submitted
36 them.
- 37 Source: New; 46:19-3; 46:20-2.
38
- 39 46:26A-10. Documents filed as provided by other statutes.
- 40 When a statute outside of this chapter provides that a document
41 relating to real property be filed rather than recorded:
- 42 a. requirements for the form and content of the document shall
43 be those established by the statute outside of this chapter;
- 44 b. the document shall be recorded with all other documents
45 affecting real property using the method established by section
46 26A-6(e) of this chapter; and
- 47 c. the document shall be indexed with all other documents

1 affecting real property as provided by section 26A-8 of this chapter.

2 Source: New.

3

4 46:26A-11. Notices of settlement.

5 a. A party to a settlement which will convey an interest in real
6 property, a mortgage on real property, or both, or the authorized
7 representative of a party or a licensed title insurance producer, may
8 execute a document titled "notice of settlement" and record it in the
9 county recording office of the county in which the real property is
10 located. The county recording officer may charge a fee not to
11 exceed the fee charged for the recording of notices of federal tax
12 liens.

13 b. The notice of settlement shall be signed by a party to the
14 settlement or a party's authorized representative and shall state the
15 names of the parties to the settlement and a description of the real
16 property. If the notice is executed by anyone other than an attorney
17 at law of this State, the execution shall be acknowledged or proved
18 in the manner of acknowledgment or proof of deeds.

19 c. A notice of settlement shall be in substantially the following
20 form:

21

22 Name

23 Address

24 (Seller or Mortgagor)

NOTICE OF SETTLEMENT

25

26 Name

27 Address

28 (Purchaser or Mortgagee)

29

30 NOTICE is hereby given of a(contract,
31 agreement or mortgage commitment) between the parties.

32 THE lands to be affected are described as follows:

33 Premises in the of, (municipality) County of
34 and State of New Jersey, commonly known as
35 (street address) and more particularly
36 described as follows:

37 (legal description)

38

39 Name of party or authorized representative

40 Address

41 (acknowledgment)

42 d. A notice of settlement shall be effective for 60 days from the
43 date of recording, unless it is terminated by the recording of a
44 "discharge of notice of settlement." The effective period of a notice
45 of settlement may be extended for one period of 60 days by
46 recording an additional notice of settlement before the expiration or
47 discharge of the notice of settlement.

48 e. A discharge of notice of settlement shall be substantially in

1 the form prescribed for a notice of settlement and shall be recorded
2 by the party or authorized representative who recorded the notice of
3 settlement. The recording officer shall record and index each
4 discharge in the same fashion as a notice of settlement.

5 f. Any person who claims an interest in or lien on the real
6 property described in the notice of settlement arising during the
7 time that a notice of settlement is effective shall be deemed to have
8 acquired the interest or lien with knowledge of the anticipated
9 settlement and shall be subject to the estate or interest created by
10 the deed or mortgage described in the notice of settlement provided
11 the deed or mortgage is recorded within the time that the notice is
12 effective.

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

14

15 46:26A-12. Effect of recording.

16 a. Any recorded document affecting the title to real property is,
17 from the time of recording, notice to all subsequent purchasers,
18 mortgagees and judgment creditors of the execution of the
19 document recorded and its contents.

20 b. A claim under a recorded document affecting the title to real
21 property shall not be subject to the effect of a document that was
22 later recorded or was not recorded unless the claimant was on notice
23 of the later recorded or unrecorded document.

24 c. A deed or other conveyance of an interest in real property
25 shall be of no effect against subsequent judgment creditors without
26 notice, and against subsequent bona fide purchasers and mortgagees
27 for valuable consideration without notice and whose conveyance or
28 mortgage is recorded, unless that conveyance is evidenced by a
29 document that is first recorded.

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

31

32 CHAPTER 26B

33 MAPS

34

35 46:26B-1. Definitions.

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

38 "Condominium plan" means a survey of the condominium
39 property in sufficient detail to identify the location and dimensions
40 of units and common elements, which shall be filed in accordance
41 with the requirements of section 3 of P.L.1960, c.141 (C.46:23-
42 9.11). A condominium plan shall bear a certification by a land
43 surveyor, professional engineer or architect authorized to practice in
44 this State that the plan is a correct representation of the
45 improvements described.

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

48 "General property parcel map" means a right of way parcel map

1 showing a group of parcel and easement acquisitions for part of a
2 highway or street project.

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

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

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

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

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

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

27 Source: 46:23-9.10.

28

29 46:26B-2. Requirements for approval or filing of a map.

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

34 (1) Major subdivision plats shall meet all of the requirements of
35 this section.

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

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

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

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

46 (1) A map shall show the scale, which shall be inches to feet and
47 be large enough to contain legibly written data on the dimensions,
48 bearings and all other details of the boundaries, and it shall also

1 show the graphic scale.

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

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

20 (4) The reference meridian used for bearings on the map shall be
21 shown graphically. The coordinate base, either assumed or based on
22 the New Jersey Plane Coordinate System, shall be shown on the
23 plat.

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

26 (6) All natural and artificial watercourses, streams, shorelines
27 and water boundaries and encroachment lines shall be shown. On
28 right of way parcel maps all easements that affect the right of way,
29 including slope easements and drainage, shall be shown and
30 dimensioned.

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

33 (8) The map shall clearly show all monumentation required by
34 this chapter, including monuments found, monuments set, and
35 monuments to be set. An indication shall be made where
36 monumentation found has been reset. For purposes of this
37 subsection "found corners" shall be considered monuments. A
38 minimum of three corners distributed around the tract shall indicate
39 the coordinate values. The outbound corner markers shall be set
40 pursuant to regulations promulgated by the State Board of
41 Professional Engineers and Land Surveyors.

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

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

47 (11)The map shall show the date of the survey and shall be in
48 accordance with the minimum survey detail requirements of the

1 State Board of Professional Engineers and Land Surveyors.
2 (12)A certificate of a land surveyor or surveyors, shall be
3 endorsed on the map as follows:
4 I certify that to the best of my knowledge and belief this map and
5 land survey dated meet the minimum
6 survey detail requirements of the State Board of Professional
7 Engineers and Land Surveyors and the map has been made under
8 my supervision, and complies with the "map filing law" and that the
9 outbound corner markers as shown have been found, or set.
10 (Include the following, if applicable)
11 I further certify that the monuments as designated and shown have
12 been set.
13
14
15 Licensed Professional Land Surveyor and No.
16 (Affix Seal)
17 (13)If the land surveyor who prepares the map is different from
18 the land surveyor who prepared the outbound survey, the following
19 two certificates shall be added in lieu of the certificate above.
20 (a) I certify to the best of my knowledge information and belief
21 that this land survey dated has been made under my
22 supervision and meets the minimum survey detail requirements of
23 the State Board of Professional Engineers and Land Surveyors and
24 that the outbound corner markers as shown have been found, or set
25
26
27 Licensed Professional Land Surveyor and No.
28 (Affix seal)
29 (b) I certify that this map has been made under my supervision
30 and complies with the "map filing law."
31 (Including the following if applicable)
32 I further certify that the monuments as designated and shown have
33 been set.
34
35
36 Licensed Professional Land Surveyor and No.
37 (Affix seal)
38 (c) If monuments are to be set at a later date, the following
39 requirements and endorsement shall be shown on the map.
40 The monuments shown on this map shall be set within the time limit
41 provided in the "Municipal Land Use Law," P.L.1975, c.291
42 (C.40:55D-1 et seq.) or local ordinance.
43 I certify that a bond has been given to the municipality,
44 guaranteeing the future setting of the monuments as designated and
45 shown on this map.
46
47
48 Municipal Clerk

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

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

5 I have carefully examined this map and to the best of my knowledge
6 and belief find it conforms with the provisions of "the map filing
7 law," resolution of approval and applicable municipal ordinances
8 and requirements.

9
10

11 Municipal Engineer (Affix Seal)

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

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

22 Source: 46:23-9.11.

23
24 46:26B-3. Monumentation.

25 a. A map shall not be approved by a proper authority unless it
26 meets the monumentation requirements of this section specified for
27 the kind of map involved. The following kinds of maps shall meet
28 the following requirements:

29 (1) Subdivision plats shall meet all of the requirements of this
30 section.

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

33 b. Monuments are required on one side of the right of way only
34 and shall be of metal detectable durable material at least 30 inches
35 long. The top and bottom shall be a minimum of 4 inches square; if
36 concrete, however, it may be made of other durable metal detectable
37 material specifically designed to be permanent, as approved by the
38 State Board of Professional Engineers and Land Surveyors. All
39 monuments shall include the identification of the professional land
40 surveyor or firm. They shall be firmly set in the ground so as to be
41 visible at the following control points; provided that in lieu of
42 installation of the monuments, the municipality may accept bond
43 with sufficient surety in form and amount to be determined by the
44 governing body, conditioned upon the proper installation of the
45 monuments on the completion of the grading of the streets and
46 roads shown on the map.

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

- 1 (2) At the intersection of the outside boundary of the whole tract
2 with the right-of-way line on one side of a street being established
3 by the map under consideration.
- 4 (3) At one corner formed by the intersection of the right-of-way
5 lines of any two streets at a T-type intersection.
- 6 (4) At any two corners formed by the right-of-way lines of any
7 two streets in an "X" or "Y" type intersection.
- 8 (5) If the right-of-way lines of two streets are connected by a
9 curve at an intersection, monuments shall be as stipulated in (3) and
10 (4) of this subsection at one of the following control points:
- 11 (a) The point of intersection of the prolongation of said lines,
12 (b) The point of curvature of the connecting curve,
13 (c) The point of tangency of the connecting curve,
14 (d) At the beginning and ending of all tangents on one side of
15 any street, or
16 (e) At the point of compound curvature or point of reversed
17 curvature where either curve has a radius equal to or greater than
18 100 feet. Complete curve data as indicated in subsection d. of this
19 section shall be shown on the map, or
20 (f) At intermediate points in the sidelines of a street between
21 two adjacent street intersections in cases where the street deflects
22 from a straight line or the line of sight between the adjacent
23 intersections is obscured by a summit or other obstructions which
24 are impractical to remove. This requirement may necessitate the
25 setting of additional monuments at points not mentioned above.
26 Bearings and distances between the monuments or coordinate
27 values shall be indicated.
- 28 (6) In cases where it is impossible to set a monument at any of
29 the above designated points, a nearby reference monument shall be
30 set and its relation to the designated point shall be clearly
31 designated on the map; or the plate on the reference monument shall
32 be stamped with the word "offset" and its relation to the monument
33 shown on the filed map.
- 34 (7) In areas where permanency of monuments may be better
35 insured by off-setting the monuments from the property line, the
36 municipal engineer may authorize such procedure; provided, that
37 proper instrument sights may be obtained and complete off-set data
38 is recorded on the map.
- 39 (8) By the filing of a map in accordance with the provisions of
40 "the map filing law," reasonable survey access to the monuments is
41 granted, which shall not restrict in any way the use of the property
42 by the landowner.
- 43 (9) On right of way parcel maps, the monuments shall be set at
44 the points of curvature, points of tangency, points of reverse
45 curvature and points of compound curvature or the control base line
46 or center line, if used, and be intervisible with a second monument.
- 47 (10) On minor subdivisions a monument shall be set at each
48 intersection of an outside boundary of the newly created lot or lots

1 with the right of way line of any side of an existing street.

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

3

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

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

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

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

13

14 46:26B-5. Additional prerequisites to filing.

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

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

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

22 c. The date by which the map is required to be filed by the
23 applicable law.

24 Source: 46:23-9.14.

25

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

27 a. The county recording officer shall file a map if an original
28 and a copy of the map are presented for filing, the map complies
29 with all the requirements for filing and is accompanied with the fees
30 for filing and indexing that are provided by law. No fee shall be
31 charged when the map is presented by the State of New Jersey, or
32 any of its agencies.

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

35 c. The original map shall be retained by the recording office in
36 an appropriate manner for preservation and use for reproduction
37 purposes.

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

40 Source: 46:23-9.15.

41

42 46:26B-7. Duplicates of maps in cities having atlases or block
43 maps.

44 Whenever a map is filed in the office of the county recording
45 officer of land in a municipality that has an atlas, or block map, on
46 which is plotted the lots or subdivision of lots of lands, the person
47 filing the map shall file a duplicate of the map, and the recording
48 officer shall indorse on the duplicate the time of recording and

1 filing of the original and deliver the duplicate to the officer of the
2 city having charge of the atlas or block map.

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

6 Source: 46:23-10.

7

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

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

20 Source: 46:23-11.

21

22

23

CHAPTER 26C
GENERAL AND TRANSITIONAL

24

25

26

46:26C-1. Regulations.

27

28

29

30

31

32

33

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).

34

35

36

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

37

Source: New.

38

39

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

40

41

42

43

44

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

45

46

47

48

The provisions of P.L. , c. (C.) (pending before the
Legislature as this bill) shall modify, limit and supersede the federal
Electronic Signatures in Global and National Commerce Act (15
U.S.C. Section 7001, et seq.) but shall not modify, limit or

1 supersede Section 101(c) of that act (15 U.S.C. Section 7001(c)) or
2 authorize electronic delivery of any of the notices described in
3 Section 103(b) of that act (15 U.S.C. Section 7003(b)).

4 Source: New.

5
6 46:26C-3 Review of Document Filing and Recording Fees.

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

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

37 c. Within four 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 issue a final report displaying
41 in a clear and concise manner, the information reported pursuant to
42 subsection a. of this section, up to that point in time. The report
43 shall specify, for each county, the time frame covered by the report,
44 the number of documents recorded or filed categorized by document
45 type and shall display the corresponding gross recording fee
46 received by the clerk or register (before distribution or allocation to
47 any dedicated fund) for each document type. The report shall also
48 specify an average state-wide fee for the filing or recording of each

1 type of document based upon the information reported by the clerks
2 and registers pursuant to this section. The report may contain
3 recommendations of the division and the department to the
4 Legislature for the establishment of standard per document filing
5 and recording fees.

6 d. A copy of the interim report required pursuant to subsection
7 b. of this section and the final report, required pursuant to
8 subsection c. of this section, shall be delivered to each member of
9 the legislature, to each county clerk and register of deeds and
10 mortgages and shall be made available to members of the general
11 public by posting an electronic copy on the official web site for the
12 State of New Jersey.

13 e. Five years after the date of adoption of P.L. , c. (C.)
14 (pending before the Legislature as this bill), the Legislature shall
15 consider the establishment of standard per document filing or
16 recording fees for each type of document which is filed or recorded
17 with a county recording officer. Standard per document filing and
18 recording fees shall be set so that the per document fee is no less
19 than the average fee for the filing or recording of the document as
20 set forth in the final report required to be issued pursuant to
21 subsection c. of this section. Any amendments to section 38 and 39
22 P.L.2003, c.117 (C.22A:4-4.1 and 22A:4-4.2) for the purpose of
23 establishing standard per document filing or recording fees shall not
24 reduce the amount of revenue required to be deposited in the “New
25 Jersey Public Records Preservation Account” or for the local
26 government records management grant program related thereto
27 pursuant to the provisions of section 39 of P.L.2003, c.117
28 (C.22A:4-4.2).

29 Source: New

30

31 2. The following are repealed:

32 R.S.46:15-1.1;

33 R.S.46:16-1;

34 Section 1 of chapter 170 of the laws of 1939 (C.46:16-1.1);

35 R.S.46:16-2;

36 R.S.46:16-3;

37 R.S.46:16-4;

38 Sections 1 through 3 of P.L.1941, c.389 (C.46:16-4.1 through
39 46:16-4.3)

40 R.S.46:16-5;

41 P.L.1943, c.147, s.1 (C.46:16-5.1);

42 R.S.46:16-6 through R.S.46:16-14;

43 Sections 1 through 5 of P.L.1979, c.406 (C.46:16A-1 through
44 46:16A-5);

45 R.S.46:17-1 through R.S.46:17-4;

46 R.S.46:18-1 through R.S.46:18-4;

47 R.S.46:18-5.1;

48 R.S.46:18-12;

1 R.S.46:19-1 through R.S.46:19-6;
2 R.S.46:20-1 through R.S.46:20-5;
3 R.S.46:21-1 through R.S.46:21-4;
4 R.S.46:22-1 through R.S.46:22-4;
5 Sections 7 and 8 of P.L.1953, c.358 (C.46:23-9.7 and 46:23-9.8);
6 Sections 1 through 8 of P.L.1960, c.141 (C.46:23-9.9 through
7 46:23-9.16);
8 Section 3 of P.L.1998, c.23 (C. 46:9-18);
9 R.S.46:23-10 and R.S.46:23-11.

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11 3. This act shall take effect on the first day of the fourth month
12 next following the date of enactment.

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STATEMENT

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17 This bill, based upon the New Jersey Law Revision Commission
18 November 2003 Final Report relating to Title Recordation, would
19 revise the statutes pertaining to the recording of title documents.
20 The federal Electronic Signatures in Global and National
21 Commerce Act (E-sign), 15 U.S.C.7001 et seq., and the Uniform
22 Electronic Transactions Act (UETA), adopted by New Jersey at
23 P.L.2001, c.116 require the acceptance of electronic alternatives to
24 paper documents. While the use of electronic deeds and mortgages
25 is not expected to occur in the near term, both E-sign and UETA
26 encourage the development of systems that will accept electronic
27 documents without disrupting the ongoing process of title
28 recordation.

29 The New Jersey statutes related to the recording and indexing of
30 title documents are contained in Title 46, chapters 15 to 26. Most
31 of these statutes date from a period when recording meant the
32 inclusion of documents in large well-bound books of good paper.
33 The statutes initially were amended to allow recording offices to
34 microfilm documents. Later amendments in 1997 permitted the use
35 of any other method of recording that was "in conformance with
36 rules, standards and procedures promulgated by the Division of
37 Archives and Records Management in the Department of State and
38 approved by the State Records Committee pursuant to its authority
39 under section 6 of P.L.1994, c.140 (C.47:1-12) and the 'Destruction
40 of Public Records Law (1953),' P.L.1953, c.410 (C.47:3-15 et
41 seq.)." N.J.S.46:19-1. This system for approving new methods of
42 recording documents has the advantage of not requiring any
43 particular manner of recording so it will not become obsolete with
44 changes of recording technology.

45 The increased use of new methods of recording that affect the
46 way documents are recorded and processed, however, necessitates
47 an increase in regulatory authority to assure uniformity.

48 This bill addresses the methods of recording and indexing and

1 reflects the same approach as the existing law. References to
2 separate sets of books or separate databases for different kinds of
3 documents have been deleted, since with modern technology, an
4 index serves the same function. Requirements for marginal notation
5 of documents also have been deleted, however, the bill does
6 authorize recording officers to continue to utilize this practice. In
7 addition, the revision attempts to simplify the statutes, combining
8 overlapping provisions and deleting unnecessary ones. The current
9 Chapter 16, for example, begins with a section that characterizes
10 and lists the documents that may be recorded. Other statutory
11 sections that address the recording of particular kinds of documents
12 follow Chapter 16. In the revision, these sections have been
13 combined into one section that lists documents entitled to recording,
14 although in an exercise of caution, the revision retains specifically
15 listed documents that arguably might fall within more general
16 categories.

17 The bill also includes language allowing format requirements for
18 documents. The current statutes contain some limitations on the
19 size of paper documents and on the quality of paper used. The
20 problem of formatting becomes more acute if electronic equivalents
21 to paper documents are to be accepted. Format requirements must
22 be standardized throughout the State so that recording offices can
23 be ready to accept electronic documents from a variety of sources,
24 and so that persons can know and comply with them regardless of
25 the office in which they are being recorded. It must be
26 acknowledged, however, that conventional paper documents will
27 continue to be recorded for the foreseeable future. This revision is
28 a first step toward balancing the need to use technological advances
29 where appropriate, with the recognition that it is not appropriate to
30 mandate an immediate switch to the latest technological
31 development. The Law Revision Commission Report sets forth
32 detailed comments explaining the substance of and source for each
33 new section of law contained in the bill. The Law Revision
34 Commission report is available "on-line" at
35 <http://www.lawrev.state.nj.us/titlerecordation/trFR111303.pdf> or at
36 <http://www.lawrev.state.nj.us/titlerecordation/trFR111303.doc>.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 88

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2011

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 88.

This bill, based upon the New Jersey Law Revision Commission November 2003 Final Report relating to Title Recordation, would revise the statutes pertaining to the recording of title documents. The federal Electronic Signatures in Global and National Commerce Act (E-sign), 15 U.S.C. s.7001 et seq., and the Uniform Electronic Transactions Act (UETA), adopted by New Jersey at P.L.2001, c.116, require the acceptance of electronic alternatives to paper documents. While the use of electronic deeds and mortgages is not expected to occur in the near term, both E-sign and UETA encourage the development of systems that will accept electronic documents without disrupting the ongoing process of title recordation.

The New Jersey statutes related to the recording and indexing of title documents are contained in Title 46, chapters 15 to 26. Most of these statutes date from a period when recording meant the inclusion of documents in large well-bound books of good paper. The statutes initially were amended to allow recording offices to microfilm documents. Later, amendments in 1997 permitted the use of any other method of recording that was "in conformance with rules, standards and procedures promulgated by the Division of Archives and Records Management in the Department of State and approved by the State Records Committee pursuant to its authority under section 6 of P.L.1994, c.140 (C.47:1-12) and the 'Destruction of Public Records Law (1953),' P.L.1953, c.410 (C.47:3-15 et seq.)." N.J.S.A.46:19-1. This system for approving new methods of recording documents has the advantage of not requiring any particular manner of recording so it will not become obsolete with changes of recording technology.

The increased use of new methods of recording that affect the way documents are recorded and processed, however, necessitates an increase in regulatory authority to assure uniformity.

This bill addresses the methods of recording and indexing and reflects the same approach as the existing law. References to separate sets of books or separate databases for different kinds of documents have been deleted, since with modern technology, an index serves the same function. Requirements for marginal notation of documents also have been deleted; however, the bill does authorize recording officers

to continue to utilize this practice. In addition, the revision attempts to simplify the statutes, combining overlapping provisions and deleting unnecessary ones. The current Chapter 16, for example, begins with a section that characterizes and lists the documents that may be recorded. Other statutory sections that address the recording of particular kinds of documents follow Chapter 16. In the revision, these sections have been combined into one section that lists documents entitled to recording, although in an exercise of caution, the revision retains specifically listed documents that arguably might fall within more general categories.

The bill also includes language allowing format requirements for documents. The current statutes contain some limitations on the size of paper documents and on the quality of paper used. The problem of formatting becomes more acute if electronic equivalents to paper documents are to be accepted. Format requirements must be standardized throughout the State so that recording offices can be ready to accept electronic documents from a variety of sources, and so that persons can know and comply with them regardless of the office in which they are being recorded. It must be acknowledged, however, that conventional paper documents will continue to be recorded for the foreseeable future. This revision is a first step toward balancing the need to use technological advances where appropriate, with the recognition that it is not appropriate to mandate an immediate switch to the latest technological development. The Law Revision Commission Report sets forth detailed comments explaining the substance of, and source for, each new section of law contained in the bill. The Law Revision Commission report is available "on-line" at <http://www.lawrev.state.nj.us/titlerecordation/trFR111303.pdf> or at <http://www.lawrev.state.nj.us/titlerecordation/trFR111303.doc>.

STATEMENT TO

SENATE, No. 88

with Senate Floor Amendments
(Proposed by Senator RICE)

ADOPTED: DECEMBER 15, 2011

These proposed floor amendments would:

in section 46:26A-6, require the Division of Archives and Records Management and the State Records Committee in the Department of State to establish rules, standards, and procedures for the recording of documents in conjunction and collaboration with the county recording officers (county clerks and registers of deeds and mortgages);

in section 46:26A-8, require that in the case of a document requested to be indexed by additional names, the required affidavit must provide facts establishing the specific relationship of the names to the document submitted;

in section 46:26B-6; remove language requiring that no fee shall be charged for map filings by the state of New Jersey; and

in section 46:26C-3; add a reference to the county clerks' or register of deeds and mortgages' dedicated trust accounts.