

2A:44-2

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:44-2; 46:16-1; 46:19-1

(Aircraft liens - procedure)

LAWS OF: 1983

CHAPTER: 77

Bill No: S1830

Sponsor(s): Russo

Date Introduced: Oct. 25, 1982

Committee: Assembly: Judiciary, Law, Public Safety & Defense

Senate: Judiciary

Amended during passage: /// No

Date of Passage: Assembly: Jan. 31, 1983

Senate: Dec. 13, 1982

Date of Approval: Feb. 24, 1983

Following statements are attached if available:

Sponsor statement:		Yes	// (Below)
Committee statement:	Assembly	Yes	//
	Senate	Yes	// not attached since identical to Assembly statement
Fiscal Note:		///	No
Veto Message:		///	No
Message on Signing:		///	No Yes
Following were printed:			
Reports:		///	No
Hearings:		///	No

Sponsor's statement:

This bill prescribes the form and procedure for the filing of aircraft liens. These procedures are required by the Federal Aviation Administrator as a prerequisite to recording the lien.

DO NOT REMOVE FROM LIBRARY

CHAPTER 11 LAWS OF N. J. 1982
APPROVED 2-24-82

SENATE, No. 1830

STATE OF NEW JERSEY

INTRODUCED OCTOBER 25, 1982

By Senator RUSSO

Referred to Committee on Judiciary

AN ACT concerning the recording of aircraft liens and amending
N. J. S. 2A:44-2, R. S. 46:16-1 and R. S. 46:19-1.

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

1 1. N. J. S. 2A:44-2 is amended to read as follows:

2 2A:44-2. *a.* Any person, engaged in the business of operating an
3 airport, a hangar or place for the storage, maintenance, keeping
4 or repairing of aircraft who, in connection therewith, permits
5 landings or take-offs or stores, maintains, keeps or repairs any
6 aircraft or furnishes gasoline, accessories, materials or other sup-
7 plies therefor at the request or with the consent of the owner or
8 his representative, agent or lessee, whether such owner be a
9 conditional vendee or a mortgagor remaining in possession or
10 otherwise, shall have a lien upon such aircraft or any part thereof
11 for the sum due as the fees for such landings or take-offs, or for
12 such storing, maintaining, keeping or repairing of such aircraft or
13 for furnishing gasoline, accessories, materials or other supplies
14 therefor, and may, without process of law, detain such aircraft at
15 any time it is lawfully in his possession until such sum is paid.

16 The lien shall be superior to all other liens, except liens for
17 taxes, and the operator of such aircraft shall be deemed the agent
18 of any owner, mortgagee, conditional vendor or other lienor
19 thereof for the creation of such superior lien.

20 *b.* Any person entitled to a lien pursuant to subsection *a.* shall
21 *within 90 days after the date upon which work was last performed*
22 *or material last furnished in performing such work or making*

Matter printed in italics thus is new matter.

23 *such repairs or improvements, or fees were last incurred for*
 24 *landings or take-offs, file in the office of the county recording*
 25 *officer of the county in which the aircraft is based, or where the*
 26 *work was performed or material supplied, or landing and take-off*
 27 *fees incurred, a statement verified by oath. The statement shall*
 28 *include the name of the person entitled to the lien, the name of*
 29 *the owner of the aircraft, a description of the aircraft, the amount*
 30 *for which a lien is claimed, and the date upon which the work was*
 31 *completed, materials supplied or fees incurred.*

1 2. R. S. 46:16-1 is amended to read as follows:

2 46:16-1. All deeds or instruments of the nature or description
 3 hereinafter in this section enumerated, of or affecting the title to
 4 real estate in this State, may be acknowledged or proved and then
 5 recorded in the office of the county recording officer of the county
 6 wherein the real estate is situate:

7 a. Conveyances, releases, declaration of trust; letters of attor-
 8 ney for any sale, conveyance, assurance, acquittance or release;
 9 leases for life or any term not less than two years, or any assign-
 10 ment thereof absolute, or by way of mortgage or security; agree-
 11 ments for the sale of real estate; written consents of any person
 12 to the execution by an executor, administrator with the will an-
 13 nexed or trustee of a power to sell, convey, acquit or release; writ-
 14 ings which declare or direct any use or trust of real estate, or
 15 which, though made for some other purpose, are yet, by the terms
 16 of any recordable deed or will which refers to such writing, made
 17 to operate as such declaration or direction;

18 b. Mortgages, defeasible deeds or other conveyances in the
 19 nature of a mortgage;

20 c. Releases or deeds, in which the intention to operate as re-
 21 leases from the lien and effect of any mortgage or judgment is
 22 plainly manifested; deeds, releases or postponements in which the
 23 intention to operate as a postponement or waiver of priority of the
 24 lien of a judgment or judgments, mechanics' lien or liens or re-
 25 corded mortgage or mortgages to the lien and operation of a
 26 mortgage or mortgages recorded, or to be recorded, subsequent
 27 thereto, is plainly manifested;

28 d. Assignments of mortgages;

29 e. Discharges or satisfaction pieces of mortgages;

30 f. All other instruments that may have been or may be directed
 31 by any statute to be acknowledged or proved and recorded.

32 Deeds and instruments, not of or affecting the title to real
 33 estate, but of or affecting goods, chattels and personal property
 34 in this State, hereinafter enumerated, may, when acknowledged or

35 proved, be recorded in the office of the county recording officer of
36 the county in which the goods, chattels and personal property lie,
37 unless otherwise directed by this Title or any other law;

38 a. Chattel mortgages, which shall be recorded as prescribed by
39 sections 46:28-4 to 46:28-12 of this Title;

40 b. Assignments, releases and discharges of chattel mortgages;

41 c. Deeds of personal property to literary, benevolent, religious
42 or charitable institutions upon particular trusts therein specified
43 or otherwise;

44 d. Letters or powers of attorney authorizing the execution and
45 delivery of statements of satisfaction of conditional sale contracts
46 and revocations of such letters or powers of attorney.

47 e. *Aircraft liens authorized by N. J. S. 2A:44-2 and in the form*
48 *prescribed by subsection b. thereof.*

1 3. R. S. 46:19-1 is amended to read as follows:

2 46:19-1. The county recording officer of each of the several
3 counties of this State shall record, when delivered to him for that
4 purpose, and duly acknowledged or proved or certified, when
5 acknowledgment, proof or certification is required, in large, well-
6 bound books of good paper to be provided for that purpose and
7 carefully preserved, and to be called by and backed with the differ-
8 ent names and intended to contain the different types of convey-
9 ances and instruments authorized by this Title or any other law
10 to be recorded, which books shall include, among others, the fol-
11 lowing:

12 a. "Deeds"—for the various instruments set forth in section
13 46:16-1 of this Title, and therein described as conveyances, re-
14 leases, declarations of trust, letters of attorney for sales, convey-
15 ances, assurances, acquittances or releases, leases for life or any
16 term not less than two years, or assignments thereof absolute,
17 agreements for sales, consents to the execution of powers to sell,
18 convey, acquit or release, writings to declare or direct uses or
19 trusts, and also all other instruments heretofore or hereafter
20 directed by law to be acknowledged or proved and recorded, and
21 not by such law expressly directed to be recorded in some other
22 class of books;

23 b. "Ancient deeds"—for all ancient deeds of the description
24 set forth in section 46:16-7 of this Title;

25 c. "Releases"—for all releases or deeds in which the intention
26 to operate as releases from the lien and effect of any mortgage or
27 judgment is plainly manifested, and all deeds, releases or post-
28 ponements in which the intention to operate as a postponement
29 or waiver of priority of the lien of a judgment or judgments,

30 mechanics' lien or liens or recorded mortgage or mortgages to the
 31 lien and operation of a mortgage or mortgages, recorded, or to be
 32 recorded, subsequent thereto, is plainly manifested;

33 d. "Mortgages"—for all mortgages, defeasible deeds or other
 34 conveyances in the nature of a mortgage and assignments of such
 35 leases by way of mortgage or security;

36 e. "Assignment of mortgages"—for all assignments of mort-
 37 gages, whether absolute or by way of mortgage or security;

38 f. "Discharge of mortgages"—for all discharges or satisfaction
 39 pieces of mortgages;

40 g. Such other books, not herein enumerated, but which may be
 41 required by the provisions of this Title or by some other law for
 42 the recording of such deeds or other instruments as are not
 43 expressly directed by law to be recorded in some specifically named
 44 book.

45 In like books the county recording officer shall record such deeds
 46 or other instruments of or affecting goods and chattels and per-
 47 sonal property, to be called and backed as follows:

48 a. "Chattel mortgages"—for all chattel mortgages, and assign-
 49 ments, releases and discharges thereof;

50 b. "Conditional sales contracts"—for the entries required by
 51 section 46:32-15 of this Title;

52 c. "Conditional sales contracts affecting goods attached to
 53 realty"—for the entries required by section 46:32-14 of this Title;

54 d. "Deeds of trust of personalty"—for all deeds of personal
 55 property to literary, benevolent, religious and charitable insti-
 56 tutions;

57 e. "Letters or powers of attorney—conditional sale contracts"
 58 —for all letters or powers of attorney authorizing the execution
 59 and delivery of statements of satisfaction of conditional sale con-
 60 tracts and all revocations of such letters or powers of attorney.

61 f. "*Aircraft liens*"—for the entries required by *N. J. S. 2A:44-2*.

62 To the various books herein enumerated every person shall have
 63 access, at proper seasons, and be entitled to transcripts therefrom
 64 on paying the fees allowed by law.

1 4. This act shall take effect immediately.

STATEMENT

This bill prescribes the form and procedure for the filing of aircraft liens. These procedures are required by the Federal Aviation Administrator as a prerequisite to recording the lien.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
SENATE, No. 1830

STATE OF NEW JERSEY

DATED: JANUARY 20, 1983

Under New Jersey's aircraft lien statute, a person engaged in the business of operating an airport, hangar or other place for the storage or repair of aircraft is entitled to a lien on an aircraft if payment is due for items such as landing fees, repairs or fuels. The Federal Aviation Administration, however, will not register liens established pursuant to New Jersey's aircraft lien statute because that statute presently does not contain procedures which allow for the recording of such liens.

In order to satisfy these FAA requirements, this bill would establish a procedure for the recording of aircraft liens. Under its provisions, within 90 days after the attachment of the lien, the person holding the lien would be permitted to file a verified statement with the recording office of the county in which either the aircraft is based, the work was performed or the landing fee were incurred. The statement would include the name of the lienholder; the name of the owner of the aircraft; description of the aircraft; the amount of the lien and the date on which the lien is attached.

The bill would include aircraft lien among the legal instruments which county recording offices are required to record.

SENATE JUDICIARY COMMITTEE

STATEMENT TO
SENATE, No. 1830

STATE OF NEW JERSEY

DATED: NOVEMBER 8, 1982

Under New Jersey's aircraft lien statute, a person engaged in the business of operating an airport, hangar or other place for the storage or repair of aircraft is entitled to a lien on an aircraft if payment is due for items such as landing fees, repairs or fuels. The Federal Aviation Administration, however, will not register liens established pursuant to New Jersey's aircraft lien statute because that statute presently does not contain procedures which allow for the recording of such liens.

In order to satisfy these FAA requirements, this bill would establish a procedure for the recording of aircraft liens. Under its provisions, within 90 days after the attachment of the lien, the person holding the lien would be permitted to file a verified statement with the recording office of the county in which either the aircraft is based, the work was performed or the landing fee were incurred. The statement would include the name of the lienholder; the name of the owner of the aircraft; a description of the aircraft; the amount of the lien and the date on which the lien is attached.

The bill would include aircraft lien among the legal instruments which county recording offices are required to record.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATELY

CONTACT: PAUL WOLCOTT

THURSDAY, FEBRUARY 24, 1983

Governor Thomas H. Kean has signed the following bills:

S-1649, sponsored by State Senator Carmen A. Orechio (D-Essex), with a line-item veto. The bill originally authorized a supplemental appropriation of \$150,000 for the County and Municipal Government Study Commission. The line-item veto cuts the appropriation to \$65,000. A copy of the veto message is attached.

A-672, sponsored by Assemblyman David C. Schwartz, (D-Middlesex), which clarifies the law permitting tax abatement for buildings in blighted areas that have been converted to multi-family use. The bill makes clear that unused school buildings so converted are eligible for tax abatement.

A-1298, sponsored by Assemblyman Garabed Haytaian, (R-Warren), which limits the jurisdiction of the Board of Public Utilities over rural electric cooperatives which are exclusively owned and controlled by the customers served by the coop.

A-1776, sponsored by Assemblyman Walter M.D. Kern, (R-Bergen), which requires a non-profit corporation to file the complete address of its registered office with the Secretary of State, including the actual location, as well as the postal address.

S-1830, sponsored by State Senator John F. Russo, (D-Ocean), which establishes a procedure for the recording of aircraft liens in order to satisfy Federal Aviation Administration requirements.

#