

46:15-5 et seq

February 18, 1969

LEGISLATIVE HISTORY OF R.S. 46:15-5 et seq
(Realty transfer fee)

Previous bills were:

1967 - A950

- Nov. 20 - Introduced by A. Smith.
- Nov. 20 - No Reference.
- Nov. 27 - Amended.
- Nov. 27 - 2nd reading, amended.
(original bill and amendments attached)

1968 - S502

- March 11 - Introduced by Waldor & Wallwork.
- March 11 - Committee on Taxation.
- No statement.
- No amendments; died in committee.
- Copy of bill attached.

The bill which became law:

L. 1968, Chapter 49 - A47

- Jan. 9 - Introduced by Gimson & 8 others.
- Feb. 8 - Committee Substitute passed in Assembly.
- March 18 - Passed Senate under emergency resolution; amended.
- March 25 - Senate amendment lost in Assembly.
- April 25 - Committee Substitute passed in Senate.
- May 6 - Senate Committee Substitute passed in Assembly.
- June 3 - Approved, Chapter 49.
- No statement.
- Amended: original bill, committee substitute and fiscal notes are attached.

Newspaper articles:

~~_____~~

"No sales tax hike; other levies may increase, says GOP".
Courier Post., Jan. 13, 1968.

"Senate taxes real estate transfers". Star Ledger, March 19, 1968

"Assembly kills land sale tax". NEN, March 26, 1968.

No hearings or reports were located.

DEPOSITORY COPY
Do Not Remove From Library

DEPOSITORY COPY
Do Not Remove From Library

Regulations issued:

NJ/KA8 N.J. Dept. of Treasury. Div. of Taxation.
T7/R21 Local Property Tax Bureau.
1968 Regulations governing administration of
 "Realty Transfer Fee" ... July 3, 1968.

JH/PC

Attempt to amend:

1969 - S304 (ACS)

No statement.

Vetoed by Governor.

(Copies of bill and veto message enclosed.)

CHAPTER 49 LAWS OF N. J. 1968
APPROVED 6-3-68

SENATE COMMITTEE SUBSTITUTE FOR
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 47

STATE OF NEW JERSEY

ADOPTED APRIL 18, 1968

AN ACT fixing fees to be imposed upon the recording of deeds transferring title to real property and providing penalties for the violations thereof.

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

1 1. As used in this act:

2 (a) "Deed" means an instrument or writing by which title to
3 any lands, tenements or other realty sold shall be granted, assigned,
4 transferred or otherwise conveyed.

5 (b) The terms "county recording officer" and "office of the
6 county recording officer" mean the register of deeds and mortgages
7 in counties having such an officer and office, and the county clerk
8 and his office in the other counties.

9 (c) "Consideration" means in the case of any deed, the actual
10 amount of money and the monetary value of any other thing of
11 value constituting the entire compensation paid or to be paid for
12 the transfer of title to the lands, tenements or other realty, includ-
13 ing the remaining amount of any prior mortgage to which the
14 transfer is subject or which is to be assumed and agreed to be paid
15 by the grantee and any other lien or encumbrance thereon not paid,
16 satisfied or removed in connection with the transfer of title.

1 2. In addition to other prerequisites for recording, no deed
2 evidencing transfer of title to real property shall be recorded in
3 the office of any county recording officer unless (a) the consideration
4 therefor is recited therein and in the acknowledgment or proof of
5 the execution thereof, or (b) an affidavit by one or more of the
6 parties named therein or by their legal representatives declaring
7 the consideration therefor is annexed thereto for recording with
8 the deed.

1 3. In addition to the recording fees imposed by P. L. 1965, chap-
2 ter 123, section 2 (C. 22A:4-4.1) a fee is imposed upon grantors,

3 at the rate of \$0.50 for each \$500.00 of consideration or fractional
4 part thereof recited in the deed, which fee shall be collected by the
5 county recording officer at the time the deed is offered for recording.

1 4. The proceeds of the fees collected by the county recording
2 officer, as authorized by this act, shall be accounted for and remitted
3 to the county treasurer for the use of the county.

1 5. Any person who shall willfully falsify the consideration re-
2 cited in a deed or in the proof or acknowledgment of the execution
3 of a deed or in an affidavit declaring the consideration therefor
4 annexed to a deed shall be adjudged a disorderly person.

1 6. The fee imposed by this act shall not apply to a deed:

2 (a) For a consideration of less than \$100.00;

3 (b) By or to the United States of America, this State, or any
4 instrumentality, agency, or subdivision thereof;

5 (c) Solely in order to provide or release security for a debt or
6 obligation;

7 (d) Which confirms or corrects a deed previously recorded;

8 (e) On a sale for delinquent taxes or assessments;

9 (f) On partition;

10 (g) Pursuant to mergers of corporation;

11 (h) By a subsidiary corporation to its parent corporation for
12 no consideration, nominal consideration, or in sole consideration
13 of the cancellation or surrender of the subsidiary's stock.

1 7. The Division of Taxation of the Department of the Treasury
2 may prescribe such rules and regulations as it may deem necessary
3 to carry out the purposes of this act.

1 8. This act shall take effect 30 days after enactment.

ASSEMBLY, No. 47

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1968 SESSION

By Assemblyman GIMSON

AN ACT imposing a real estate transfer tax and requiring the filing of an affidavit of value and providing penalties for the violations thereof.

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

1 1. As used in this act:

2 (a) "Deed" means an instrument or writing by which title to
3 any lands, tenements or other realty sold shall be granted, assigned,
4 transferred or otherwise conveyed.

5 (b) The terms "county recording officer" and "office of the
6 county recording officer" mean the register of deeds and mortgages
7 in counties having such an officer and office, and the county clerk
8 and his office in the other counties.

9 (c) "Value" means (i) in the case of any deed not a gift, the
10 amount of the full actual consideration therefor, paid or to be
11 paid, including the amount of any lien or liens thereon; and (ii),
12 except as provided in section 9 of this act, in the case of a gift, or
13 any deed with nominal consideration or without stated considera-
14 tion, the estimated price the property would bring in an open
15 market and under the then prevailing market conditions in a sale
16 between a willing seller and a willing buyer, both conversant with
17 the property and with prevailing general price levels.

1 2. A tax is imposed at the rate of \$0.55 for each \$500.00 of value
2 or fractional part thereof (exclusive of the value of any lien or
3 encumbrance remaining thereon at the time of the passage of title),
4 which value is declared in the affidavit of value required by sec-
5 tion 4 of this act, upon the privilege of transferring title to real
6 property by deed.

1 3. (a) If any deed evidencing a transfer of title subject to the
2 tax herein imposed is offered for recordation, the county recording
3 officer shall ascertain and compute the amount of the tax due

4 thereon and shall collect such amount as prerequisite to acceptance
5 of the deed for recordation.

6 (b) The amount of the tax shall be computed on the basis of
7 the value of the transferred property (exclusive of the value of
8 any lien or encumbrance remaining thereon at the time of passage
9 of title) as set forth in the affidavit required by section 4 of this act.

1 4. (a) Each evidencing a transfer of title subject to the tax as
2 herein provided shall, as a prerequisite to acceptance of the deed
3 for recordation, have appended thereto an affidavit of the parties
4 to the transaction of their legal representatives declaring the value
5 of the property transferred, and indicating the value of any lien
6 or encumbrance remaining thereon at the time of the sale. If the
7 transfer is not subject to the tax as herein provided, the affidavit
8 shall claim an exemption and specify the reasons therefor.

9 (b) The form of affidavit shall be prescribed by the Division of
10 Taxation in the Department of the Treasury.

11 (c) The county recording officer shall transmit 2 true copies
12 of the affidavit to the assessor of the municipality in which the
13 real estate is situate, who shall insert the most recent assessed
14 value of each parcel of the transferred property on both copies
15 and shall transmit one copy to the Division of Taxation in the
16 Department of the Treasury.

1 5. The proceeds collected by the county recording officer, as au-
2 thorized by this act, shall be accounted for and remitted to the
3 county treasurer for the use of the county.

1 6. The Division of Taxation of the Department of the Treasury
2 may prescribe such rules and regulations as it may deem necessary
3 to carry out the purposes of this act.

1 7. Any county recording officer who willfully shall record any
2 deed upon which a tax is imposed by this act without collecting
3 the proper amount of tax required by this act based upon the de-
4 clared value indicated in the affidavit appended to such deed shall,
5 upon conviction, be fined \$50.00 for each offense.

1 8. Any person who shall willfully falsify the value of transferred
2 real estate or a claim for an exemption and the reason therefor
3 on an affidavit required by section 4 of this act, shall be adjudged
4 a disorderly person.

1 9. The tax imposed by this act shall not apply to a transfer of
2 title:

3 (a) of real estate valued at less than \$100.00;

4 (b) to the United States of America, this State, or any instru-
5 mentality, agency, or subdivision thereof;

6 (c) solely in order to provide or release security for a debt or
7 obligation;

8 (d) which confirms or corrects a deed previously recorded;

9 (e) between husband and wife, or parent and child, with only
10 nominal consideration therefor;

11 (f) on sale for delinquent taxes or assessments;

12 (g) on partition;

13 (h) pursuant to mergers of corporation;

14 (i) by a subsidiary corporation to its parent corporation for
15 no consideration, nominal consideration, or in sole consideration
16 of the cancellation or surrender of the subsidiary's stock.

1 10. This act shall take effect 30 days after enactment.

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 47

STATE OF NEW JERSEY

ADOPTED FEBRUARY 5, 1968

AN Act fixing fees to be imposed upon the privilege of transferring title to real property by deed and providing penalties for the violations thereof.

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

1 1. As used in this act:

2 (a) "Deed" means an instrument or writing by which title to
3 any lands, tenements or other realty sold shall be granted, assigned,
4 transferred or otherwise conveyed.

5 (b) The terms "county recording officer" and "office of the
6 county recording officer" mean the register of deeds and mortgages
7 in counties having such an officer and office, and the county clerk
8 and his office in the other counties.

9 (c) "Value" means (i) in the case of any deed not a gift, the
10 amount of the full actual consideration therefor, paid or to be
11 paid, including the amount of any lien or liens thereon; and (ii),
12 except as provided in section 9 of this act, in the case of a gift, or
13 any deed with nominal consideration or without stated considera-
14 tion, the estimated price the property would bring in an open
15 market and under the then prevailing market conditions in a sale
16 between a willing seller and a willing buyer, both conversant with
17 the property and with prevailing general price levels.

1 2. In addition to the recording fees imposed by P. L. 1965, chap-
2 ter 123, section 2 (C. 22A:4-4.1) a fee is imposed at the rate of
3 \$0.55 for each \$500.00 of value or fractional part thereof (exclusive
4 of the value of any lien or encumbrance remaining thereon at the
5 time of the passage of title), upon the privilege of transferring
6 title to real property by deed.

1 3. (a) If any deed evidencing a transfer of title subject to the
2 fee herein imposed is offered for recordation, the county recording
3 officer shall ascertain and compute the amount of the fee due

4 thereon and shall collect such amount as prerequisite to acceptance
5 of the deed for recordation.

6 (b) The amount of the fee shall be computed on the basis of the
7 value of the transferred property (exclusive of the value of any
8 lien or encumbrance remaining thereon at the time of passage of
9 title) as reported to the recording officer by the person offering the
10 deed for recording.

1 4. The proceeds of the fees collected by the county recording
2 officer, as authorized by this act, shall be accounted for and re-
3 mitted to the county treasurer for the use of the county.

1 5. The Division of Taxation of the Department of the Treasury
2 may prescribe such rules and regulations as it may deem necessary
3 to carry out the purposes of this act.

1 6. Any county recording officer who willfully shall record any
2 deed upon which a fee is imposed by this act without collecting
3 the proper amount of fee required by this act based upon the
4 declared value indicated shall, upon conviction, be fined \$50.00 for
5 each offense.

1 7. Any person who shall willfully falsify the value of trans-
2 ferred real estate or a claim for an exemption and the reason there-
3 for shall be adjudged a disorderly person.

1 8. No fee imposed by this act shall be required for the recording
2 of a deed effecting a transfer of title:

3 (a) of real estate valued at less than \$100.00;

3A (b) to the United States of America, this State, or any instru-
4 mentality, agency, or subdivision thereof;

5 (c) solely in order to provide or release security for a debt or
6 obligation;

7 (d) which confirms or corrects a deed previously recorded;

8 (e) between husband and wife, or parent and child, with only
9 nominal consideration therefor;

10 (f) on sale for delinquent taxes or assessments;

11 (g) on partition;

12 (h) pursuant to mergers of corporation;

13 (i) by a subsidiary corporation to its parent corporation for
14 no consideration, nominal consideration, or in sole consideration
15 of the cancellation or surrender of the subsidiary's stock.

1 9. This act shall take effect 30 days after enactment.

FISCAL NOTE TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 47

STATE OF NEW JERSEY

DATED: MARCH 18, 1968

Assembly Committee Substitute for Assembly Bill No. 47 imposes a fee upon the privilege of transferring title to real property by deed and provides penalties for the violations thereof. The fee is at the rate of \$0.55 per \$500.00 of value or fractions thereof.

The proceeds of the fees, collected by the county recording officer, are remitted to the county treasurer for the use of the county.

The Division of Taxation of the Department of the Treasury may prescribe such rules and regulations as it deems necessary to carry out the purposes of the act. It is estimated by the division that the promulgation of such rules and regulations as may be made will involve an additional cost to the State of approximately \$100,000.00 per year; and that the additional revenues to the counties will amount to approximately \$1,500,000.00 annually.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

SENATE COMMITTEE AMENDMENTS TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY No. 47

STATE OF NEW JERSEY

ADOPTED MARCH 18, 1968

Amend page 1, section 2, lines 1-6, after "2.", omit remainder of section 2 and insert "A fee is imposed at the rate of \$0.55 for each \$500.00 of value or fractional part thereof (exclusive of the value of any lien or encumbrance remaining thereon at the time of the passage of title), which value is declared in the affidavit of value required by section 4 of this act, upon persons for the privilege of transferring their title to real property by deed."

Amend page 2, section 3, line 5, after "recordation", insert "in addition to the recording fees imposed by P. L. 1965, chapter 123, section 2 (C. 22A:4-4.1)".

Amend page 2, section 3, lines 9-10, after "title)", omit remainder of line 9 and all of line 10 and insert "as set forth in the affidavit required by section 4 of this act."

Amend page 2, section 3, line 10, after line 10, insert a new section 4 as follows:

"4. (a) Each deed evidencing a transfer of title subject to the fee as herein provided shall, as a prerequisite to acceptance of the deed for recordation, have appended thereto an affidavit of the parties to the transaction or their legal representatives declaring the value of the property transferred, and indicating the value of any lien or encumbrance remaining thereon at the time of the sale. If the transfer is not subject to the fee as herein provided, the affidavit shall claim an exemption and specify the reasons therefor.

(b) The form of affidavit shall be prescribed by the Division of Taxation in the Department of the Treasury.

(c) The county recording officer shall transmit 2 true copies of the affidavit to the assessor of the municipality in which the real estate is situate, who shall insert the most recent assessed value of each parcel of the transferred property on both copies and shall transmit one copy to the Division of Taxation in the Department of the Treasury."

Amend page 2, section 4, line 1, omit "4.", insert "5."; omit "the fees", insert "each fee".

Amend page 2, section 4, line 3, after "treasurer", omit remainder of line and insert "who shall retain $\frac{1}{2}$ of the amount of such fee for use of the county and distribute the remaining $\frac{1}{2}$ to the municipality in which the property transferred is located. The treasurer shall remit any such fees, due to municipalities, in each year on a quarterly basis."

Amend page 2, section 5, line 1, omit "5.", insert "6."

Amend page 2, section 6, line 1, omit "6.", insert "7."

Amend page 2, section 6, lines 4-5, omit ", upon conviction, be fined \$50.00 for each offense", insert " be adjudged a disorderly person, and shall be subject to a fine of \$50.00 for each offense".

Amend page 2, section 7, line 1, omit "7.", insert "8."

Amend page 2, section 8, line 1, omit "8.", insert "9."

Amend page 2, section 8, line 3A, omit "to", insert "by".

Amend page 2, section 9, line 1, omit all of section 9, and insert "10. This act shall take effect immediately."

ASSEMBLY, No. 950

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 20, 1967

By Assemblyman A. S. SMITH

(Without Reference)

AN ACT imposing a real estate transfer tax and requiring the filing of an affidavit of value and providing penalties for the violations thereof.

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

1 1. As used in this act:

2 (a) "Deed" means an instrument or writing by which any lands,
3 tenements or other realty sold shall be granted, assigned, trans-
4 ferred or otherwise conveyed.

5 (b) The terms "county recording officer" and "office of the
6 county recording officer" mean the register of deeds and mortgages
7 in counties having such an officer and office, and the county clerk
8 and his office in the other counties.

9 (c) "Value" means (i) in the case of any deed not a gift, the
10 amount of the full actual consideration therefor, paid or to be
11 paid, including the amount of any lien or liens thereon; and (ii),
12 except as provided in section 9 of this act, in the case of a gift, or
13 any deed with nominal consideration or without stated considera-
14 tion, the estimated price the property would bring in an open
15 market and under the then prevailing market conditions in a sale
16 between a willing seller and a willing buyer, both conversant with
17 the property and with prevailing general price levels.

1 2. A tax is imposed at the rate of \$0.55 for each \$500.00 of value
2 or fractional part thereof, which value is declared in the affidavit
3 of value required by section 4 of this act, upon the privilege of
4 transferring title to real property by deed.

1 3. (a) If any deed evidencing a transfer of title subject to the
2 tax herein imposed is offered for recordation, the county recording
3 officer shall ascertain and compute the amount of the tax due

4 thereon and shall collect such amount as prerequisite to acceptance
5 of the deed for recordation.

6 (b) The amount of the tax shall be computed on the basis of
7 the value of the transferred property (exclusive of the value of
8 any lien or encumbrance remaining thereon at the time of sale)
9 as set forth in the affidavit required by section 4 of this act.

1 4. (a) Each evidencing a transfer of title subject to the tax as
2 herein provided shall, as a prerequisite to acceptance of the deed
3 for recordation, have appended thereto an affidavit of the parties
4 to the transaction of their legal representatives declaring the value
5 of the property transferred, and indicating the value of any lien
6 or encumbrance remaining thereon at the time of the sale. If the
7 transfer is not subject to the tax as herein provided, the affidavit
8 shall claim an exemption and specify the reasons therefor.

9 (b) The form of affidavit shall be prescribed by the Division of
10 Taxation in the Department of the Treasury which shall provide
11 an adequate supply of such forms to each county recording officer
12 in the State.

13 (c) The county recording officer shall transmit 2 true copies
14 of the affidavit to the assessor of the municipality in which the
15 real estate is situate, who shall insert the most recent assessed
16 value of each parcel of the transferred property on both copies
17 and shall transmit one copy to the Division of Taxation in the
18 Department of the Treasury.

1 5. The proceeds collected by the county recording officer, as
2 authorized by this act, shall be forwarded to the Division of Taxa-
3 tion in the State Department of the Treasury in the manner and
4 at such times as shall be prescribed by the Director of the Division
5 of Taxation.

1 6. The Division of Taxation of the Department of the Treasury
2 may prescribe such rules and regulations as it may deem necessary
3 to carry out the purposes of this act.

1 7. Any county recording officer who willfully shall record any
2 deed upon which a tax is imposed by this act without collecting
3 the proper amount of tax required by this act based upon the de-
4 clared value indicated in the affidavit appended to such deed shall,
5 upon conviction, be fined \$50.00 for each offense.

1 8. Any person who shall willfully falsify the value of transferred
2 real estate or a claim for an exemption and the reason therefor
3 on an affidavit required by section 4 of this act, shall be adjudged
4 a disorderly person.

1 9. The tax imposed by this act shall not apply to a transfer of
2 title:

- 3 (a) of real estate valued at less than \$100.00;
4 (b) to the United States of America, this State, or any instru-
5 mentality, agency, or subdivision thereof;
6 (c) solely in order to provide or release security for a debt or
7 obligation;
8 (d) which confirms or corrects a deed previously recorded;
9 (e) between husband and wife, or parent and child, with only
10 nominal consideration therefor;
11 (f) on sale for delinquent taxes or assessments;
12 (g) on partition;
13 (h) pursuant to mergers of corporation;
14 (i) by a subsidiary corporation to its parent corporation for
15 no consideration, nominal consideration, or in sole consideration
16 of the cancellation or surrender of the subsidiary's stock.
- 1 10. This act shall take effect January 1, 1968.

STATEMENT

This bill imposes a real estate transfer tax at the same rate as the Federal Documentary Stamp Tax Act, due to expire December 31, 1967.

ASSEMBLY AMENDMENTS TO
ASSEMBLY, No. 950

STATE OF NEW JERSEY

ADOPTED NOVEMBER 27, 1967

Amend page 1, section 1, line 2, after "by which", insert "title to".

Amend page 1, section 2, line 2, after "thereof," insert "(exclusive of the value of any lien or encumbrance remaining thereon at the time of the passage of title)".

Amend page 2, section 3, line 8, omit "sale", insert "passage of title".

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 950

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 20, 1967

By Assemblyman A. S. SMITH

(Without Reference)

AN ACT imposing a real estate transfer tax and requiring the filing of an affidavit of value and providing penalties for the violations thereof.

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

1 1. As used in this act:

2 (a) "Deed" means an instrument or writing by which **title to**
3 any lands, tenements or other realty sold shall be granted, assigned,
4 transferred or otherwise conveyed.

5 (b) The terms "county recording officer" and "office of the
6 county recording officer" mean the register of deeds and mortgages
7 in counties having such an officer and office, and the county clerk
8 and his office in the other counties.

9 (c) "Value" means (i) in the case of any deed not a gift, the
10 amount of the full actual consideration therefor, paid or to be
11 paid, including the amount of any lien or liens thereon; and (ii),
12 except as provided in section 9 of this act, in the case of a gift, or
13 any deed with nominal consideration or without stated considera-
14 tion, the estimated price the property would bring in an open
15 market and under the then prevailing market conditions in a sale
16 between a willing seller and a willing buyer, both conversant with
17 the property and with prevailing general price levels.

1 2. A tax is imposed at the rate of \$0.55 for each \$500.00 of value
2 or fractional part thereof, **(exclusive of the value of any lien or*
3 *encumbrance remaining thereon at the time of the passage of title)**
4 which value is declared in the affidavit of value required by sec-
5 tion 4 of this act, upon the privilege of transferring title to real
6 property by deed.

1 3. (a) If any deed evidencing a transfer of title subject to the
2 tax herein imposed is offered for recordation, the county recording

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

3 officer shall ascertain and compute the amount of the tax due
4 thereon and shall collect such amount as prerequisite to acceptance
5 of the deed for recordation.

6 (b) The amount of the tax shall be computed on the basis of
7 the value of the transferred property (exclusive of the value of
8 any lien or encumbrance remaining thereon at the time of ***[sale]***
9 **passage of title** as set forth in the affidavit required by section 4
10 of this act.

1 4. (a) Each evidencing a transfer of title subject to the tax as
2 herein provided shall, as a prerequisite to acceptance of the deed
3 for recordation, have appended thereto an affidavit of the parties
4 to the transaction of their legal representatives declaring the value
5 of the property transferred, and indicating the value of any lien
6 or encumbrance remaining thereon at the time of the sale. If the
7 transfer is not subject to the tax as herein provided, the affidavit
8 shall claim an exemption and specify the reasons therefor.

9 (b) The form of affidavit shall be prescribed by the Division of
10 Taxation in the Department of the Treasury which shall provide
11 an adequate supply of such forms to each county recording officer
12 in the State.

13 (c) The county recording officer shall transmit 2 true copies
14 of the affidavit to the assessor of the municipality in which the
15 real estate is situate, who shall insert the most recent assessed
16 value of each parcel of the transferred property on both copies
17 and shall transmit one copy to the Division of Taxation in the
18 Department of the Treasury.

1 5. The proceeds collected by the county recording officer, as
2 authorized by this act, shall be forwarded to the Division of Taxa-
3 tion in the State Department of the Treasury in the manner and
4 at such times as shall be prescribed by the Director of the Division
5 of Taxation.

1 6. The Division of Taxation of the Department of the Treasury
2 may prescribe such rules and regulations as it may deem necessary
3 to carry out the purposes of this act.

1 7. Any county recording officer who willfully shall record any
2 deed upon which a tax is imposed by this act without collecting
3 the proper amount of tax required by this act based upon the de-
4 clared value indicated in the affidavit appended to such deed shall,
5 upon conviction, be fined \$50.00 for each offense.

1 8. Any person who shall willfully falsify the value of transferred
2 real estate or a claim for an exemption and the reason therefor
3 on an affidavit required by section 4 of this act, shall be adjudged
4 a disorderly person.

1 9. The tax imposed by this act shall not apply to a transfer of
2 title:

3 (a) of real estate valued at less than \$100.00;

4 (b) to the United States of America, this State, or any instru-
5 mentality, agency, or subdivision thereof;

6 (c) solely in order to provide or release security for a debt or
7 obligation;

8 (d) which confirms or corrects a deed previously recorded;

9 (e) between husband and wife, or parent and child, with only
10 nominal consideration therefor;

11 (f) on sale for delinquent taxes or assessments;

12 (g) on partition;

13 (h) pursuant to mergers of corporation;

14 (i) by a subsidiary corporation to its parent corporation for
15 no consideration, nominal consideration, or in sole consideration
16 of the cancellation or surrender of the subsidiary's stock.

1 10. This act shall take effect January 1, 1968.

SENATE, No. 502

STATE OF NEW JERSEY

INTRODUCED MARCH 11, 1968

By Senators WALDOR and WALLWORK

Referred to Committee on Taxation

AN ACT fixing fees to be imposed upon the privilege of transferring title to real property by deed and providing penalties for the violations thereof.

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

1 1. As used in this act:

2 (a) "Deed" means an instrument or writing by which title to
2A any lands, tenements or other realty sold shall be granted, assigned,
3 transferred or otherwise conveyed.

4 (b) The terms "county recording officer" and "office of the
4A county recording officer" mean the register of deeds and mortgages
4B in counties having such an officer and office, and the county clerk
4C and his office in the other counties.

5 (c) "Value" means (i) in the case of any deed not a gift, the
6 amount of the full actual consideration therefor, paid or to be
6A paid, including the amount of any lien or liens thereon; and (ii),
7 except as provided in section 9 of this act, in the case of a gift, or
8 any deed with nominal consideration or without stated considera-
9 tion, the estimated price the property would bring in an open
10 market and under the then prevailing market conditions in a sale
11 between a willing seller and a willing buyer, both conversant with
12 the property and with prevailing general price levels.

1 2. In addition to the recording fees imposed by P. L. 1965,
2 chapter 123, section 2 (C. 22A:4-4.1) a fee is imposed at the rate
3 of \$0.55 for each \$500.00 of value or fractional part thereof (ex-
4 clusive of the value of any lien or encumbrance remaining thereon
5 at the time of the passage of title), upon the privilege of trans-
6 ferring title to real property by deed.

1 3. (a) If any deed evidencing a transfer of title subject to the
2 fee herein imposed is offered for recordation, the county recording
3 officer shall ascertain and compute the amount of the fee due

4 thereon and shall collect such amount as prerequisite to acceptance
5 of the deed for recordation.

6 (b) The amount of the fee shall be computed on the basis of
7 the value of the transferred property (exclusive of the value of
8 any lien or encumbrance remaining thereon at the time of passage
9 of title) as reported to the recording officer by the person offering
10 the deed for recording.

1 4. The proceeds of each fee collected by the county recording
2 officer, as authorized by this act, shall be accounted for and re-
3 mitted to the county treasurer, who shall retain $\frac{1}{2}$ of the amount
4 of such fee for use of the county and distribute the remaining $\frac{1}{2}$
5 to the municipality in which the property transferred is located.
6 The treasurer shall remit any such fees, due to municipalities, on
7 January 1, April 1, July 1 and October 1 of each year.

1 5. The Division of Taxation of the Department of the Treasury
2 may prescribe such rules and regulations as it may deem necessary
3 to carry out the purposes of this act.

1 6. Any county recording officer who willfully shall record any
2 deed upon which a fee is imposed by this act without collecting
3 the proper amount of fee required by this act based upon the
4 declared value indicated shall, upon conviction, be fined \$50.00 for
5 each offense.

1 7. Any person who shall willfully falsify the value of transferred
2 real estate or a claim for an exemption and the reason therefor
3 shall be adjudged a disorderly person.

1 8. No fee imposed by this act shall be required for the recording
2 of a deed effecting a transfer of title:

3 (a) Of real estate valued at less than \$100.00;

4 (b) To the United States of America, this State, or any instru-
5 mentality, agency, or subdivision thereof;

6 (c) Solely in order to provide or release security for a debt or
7 obligation;

8 (d) Which confirms or corrects a deed previously recorded;

9 (e) Between husband and wife, or parent and child, with only
10 nominal consideration therefor;

10A (f) On sale for delinquent taxes or assessments;

11 (g) On partition;

12 (h) Pursuant to mergers of corporation;

13 (i) By a subsidiary corporation to its parent corporation for
14 no consideration, nominal consideration, or in sole consideration of
15 the cancellation or surrender of the subsidiary's stock.

1 9. This act shall take effect 30 days after enactment.

SENATE, No. 304

STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1969

By Senator KAY

(Without Reference)

AN ACT to amend "An act fixing fees to be imposed upon the recording of deeds transferring title to real property and providing penalties for the violations thereof," approved June 3, 1968 (P. L. 1968, c. 49, C. 46:15-5 et seq.).

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

1 1. Section 1 of the act of which this act is amendatory (C.
2 46:15-5) is amended to read as follows:

3 1. As used in this act:

4 (a) "Deed" means an instrument or writing by which title to
5 any lands, tenements or other realty sold shall be granted, assigned,
6 transferred or otherwise conveyed.

7 (b) The terms "county recording officer" and "office of the
8 county recording officer" mean the register of deeds and mortgages
9 in counties having such an officer and office, and the county clerk
10 and his office in the other counties.

11 (c) *Except as otherwise specifically provided in section 6 (b)*
12 **["Consideration"]** "consideration" means in the case of any deed,
13 the actual amount of money and the monetary value of any other
14 thing of value constituting the entire compensation paid or to be
15 paid for the transfer of title to the lands, tenements or other realty,
16 including the remaining amount of any prior mortgage to which the
17 transfer is subject or which is to be assumed and agreed to be paid
18 by the grantee and any other lien or encumbrance thereon not paid,
19 satisfied or removed in connection with the transfer of title.

1 2. Section 6 of the act of which this act is amendatory (C.
2 46:15-10) is amended to read as follows:

3 6. (a) The fee imposed by this act shall not apply to a deed:

4 **[(a)]** (1) For a consideration, *as defined in section 1 (c)*, of less
5 than \$100.00;

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

6 **[(b)]** (2) By or to the United States of America, this State, or
7 any instrumentality, agency, or subdivision thereof;

8 **[(c)]** (3) Solely in order to provide or release security for a debt
9 or obligation;

10 **[(d)]** (4) Which confirms or corrects a deed previously recorded;

11 **[(e)]** (5) On a sale for delinquent taxes or assessments;

12 **[(f)]** (6) On partition;

13 **[(g)]** (7) Pursuant to mergers of **[corporation]** corporations;

14 **[(h)]** (8) By a subsidiary corporation to its parent corporation
15 **[for no consideration, nominal consideration, or]** in sole considera-
16 tion of the cancellation or surrender of the subsidiary's stock;

17 (9) *By a corporation to a stockholder or stockholders thereof in*
18 *sole consideration of the cancellation or surrender of the stock-*
19 *holder's stock;*

20 (10) *By a sheriff, receiver, trustee in bankruptcy or liquidation,*
21 *or assignee for the benefit of creditors;*

22 (11) *Eligible to be recorded as an "ancient deed" pursuant to*
23 *R. S. 46:16-7;*

24 (12) *Acknowledged or proved on or before July 3, 1958;*

25 (13) *Between husband and wife.*

26 (b) *In the case of a deed between parent and child, or brothers*
27 *and sisters, the consideration base upon which the amount of the*
28 *fee shall be calculated shall not include the remaining amount of*
29 *any prior mortgage to which the transfer is subject or which is to*
30 *be assumed and agreed to be paid by the grantee or any other*
31 *lien or encumbrance thereon not paid, satisfied or removed in con-*
32 *nection with the transfer of title.*

1 3. This act shall take effect immediately.

FISCAL NOTE TO
SENATE, No. 304

STATE OF NEW JERSEY

DATED: MARCH 7, 1969

Senate Bill No. 304 specifies the types of deeds upon which no transfer fee shall be paid.

The Treasury Department states the bill would involve no loss to the State. Under the Realty Transfer Fee Law, all fees obtained pursuant thereto are accounted for and remitted to the county treasurer for the use of the county. Information is not available upon which to make a reasonable estimate of the amount of loss which this bill would entail to the respective counties. However, it is not believed that the loss would be substantial.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

ASSEMBLY COMMITTEE SUBSTITUTE FOR
SENATE, No. 304

STATE OF NEW JERSEY

ADOPTED MAY 12, 1969

AN ACT to amend "An act fixing fees to be imposed upon the recording of deeds transferring title to real property and providing penalties for the violations thereof," approved June 3, 1968 (P. L. 1968, c. 49, C. 46:15-5 et seq.).

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

1 1. Section 1 of P. L. 1968, chapter 49 (C. 46:15-5) is amended
2 to read as follows:

3 1. As used in this act:

4 (a) "Deed" means **[an instrument or writing by]** a written in-
5 strument entitled to be recorded in the office of a county recording
6 officer which purports to convey or transfer title to a freehold in-
7 terest in any lands, tenements or other realty in this State by way
8 of grant or bargain and sale thereof from the named grantor to
9 the named grantee **[sold shall be granted, assigned, transferred or**
10 otherwise conveyed**]**. A leasehold interest for 99 years or more,
11 with perpetual renewal rights and with rights to assign or transfer,
12 for which the consideration is a specific amount, however payable,
13 without an annual or other periodic rental, shall be treated as a
14 "freehold" for the purpose of this act. No leasehold interest es-
15 tablished in order to provide security for a mortgage loan to be
16 satisfied within a fixed period shall be considered to be a freehold
17 for the purposes of this act. Instruments providing for common
18 driveways, for exchanges of easements or rights-of-way, for rev-
19 ocable licenses to use, to adjust boundaries, to clear defects of or
20 clouds on title, to provide for drainage, sewerage, water, electric,
21 telephone or other service lines, or to quitclaim possible outstand-
22 ing interests, shall not be "deeds" for the purposes of this act.

23 (b) The terms "county recording officer" and "office of the
24 county recording officer" mean the register of deeds and mortgages
25 in counties having such an officer and office, and the county clerk
26 and his office in the other counties.

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

27 (c) *Except as otherwise specifically provided in section 6 (b)*
 28 **["Consideration"]** *“consideration”* means in the case of any deed,
 29 the actual amount of money and the monetary value of any other
 30 thing of value constituting the entire compensation paid or to be
 31 paid for the transfer of title to the lands, tenements or other realty,
 32 including the remaining amount of any prior mortgage to which the
 33 transfer is subject or which is to be assumed and agreed to be paid
 34 by the grantee and any other lien or encumbrance thereon not paid,
 35 satisfied or removed in connection with the transfer of title.
 36 *Neither the amount of any lien for real property taxes for the cur-*
 37 *rent or any subsequent year, nor of any other lien or encumbrance*
 38 *not discovered or disclosed to the grantee and not taken into ac-*
 39 *count in calculating the amount to be paid to the grantor, shall*
 40 *constitute an element of the consideration.*

1 2. Section 2 of P. L. 1968, chapter 49 (C. 46:15-6) is amended
 2 to read as follows:

3 2. In addition to other prerequisites for recording, no deed evi-
 4 dencing transfer of title to real property shall be recorded in the
 5 office of any county recording officer unless (a) the consideration
 6 therefor is recited therein **[and]** *or* in the acknowledgment or
 7 proof of the execution thereof, or (b) an affidavit *is submitted*
 8 *therewith* by one or more of the parties named therein or by their
 9 legal representatives declaring the consideration therefor **[is**
 10 **annexed thereto for recording with the deed]** *or (c) proof of the*
 11 *disclosure of the consideration therefor to the Division of Taxation*
 12 *as may be authorized pursuant to the provisions of section 7 of this*
 13 *act (C. 46:15-11) is submitted to the county recording officer.*

1 3. Section 3 of P. L. 1968, chapter 49 (C. 46:15-7) is amended
 2 to read as follows:

3 3. In addition to the recording fees imposed by P. L. 1965, chap-
 4 ter 123, section 2 (C. 22A:4-4.1) a fee is imposed upon grantors,
 5 at the rate of \$0.50 for each \$500.00 of consideration or fractional
 6 part thereof recited in the deed, which fee shall be collected by the
 7 county recording officer at the time the deed is offered for record-
 8 ing.

9 *Every deed subject to the additional fee required by this act,*
 10 *which is in fact recorded, shall be conclusively deemed to have been*
 11 *entitled to recording, notwithstanding that the amount of the con-*
 12 *sideration shall have been incorrectly stated, or that the correct*
 13 *amount of such additional fee, if any, shall not have been paid, and*
 14 *no such defect shall in any way affect or impair the validity of the*
 15 *title conveyed or render the same unmarketable; but the person*
 16 *or persons required to pay said additional fee at the time of re-*

17 *ording shall be and remain liable to the county recording officer*
 18 *for the payment of the proper amount thereof.*

1 4. Section 6 of P. L. 1968, chapter 49 (C. 46:15-10) is amended
 2 to read as follows:

3 6. (a) The fee imposed by this act shall not apply to a deed:

4 **[(a)]** (1) For a consideration, *as defined in section 1 (c)*, of less
 5 than \$100.00;

6 **[(b)]** (2) By or to the United States of America, this State, or
 7 any instrumentality, agency, or subdivision thereof;

8 **[(c)]** (3) Solely in order to provide or release security for a
 9 debt or obligation;

10 **[(d)]** (4) Which confirms or corrects a deed previously re-
 11 corded;

12 **[(e)]** (5) On a sale for delinquent taxes or assessments;

13 **[(f)]** (6) On partition;

14 **[(g)]** (7) Pursuant to mergers of **[corporation]** corporations;

15 **[(h)]** (8) **[By a subsidiary corporation to its parent corpora-**
 16 **tion for no consideration, nominal consideration, or in sole con-**
 17 **sideration of the cancellation or surrender of the subsidiary's**
 18-19 **stock]** *Reciting or acknowledging, or providing by affidavit, that it*

20 *does not repect a sale between independent bargaining parties but*
 21 *involves a transfer of title, without a specific definable dollar con-*
 22 *sideration, including but not limited to a deed between a subsidiary*
 23 *corporation and its parent corporation or between subsidiaries of*
 24 *the same parent corporation or between a corporation and one or*
 25 *more of its promoters or stockholders; or between a joint venture*
 26 *and one or more of its members; or between one or more partners,*
 27 *their heirs or personal representatives and a partnership; between*
 28 *a testator, settlor, fiduciary or beneficiary of a trust; between an*
 29 *agent and a principal, or in any other case where elements common*
 30 *to the foregoing examples are present and not otherwise exempted;*

31 (9) *By a sheriff, receiver, trustee in bankruptcy or liquidation,*
 32 *or assignee for the benefit of creditors;*

33 (10) *Eligible to be recorded as an "ancient deed" pursuant to*
 34 *Revised Statutes 46:16-7;*

35 (11) *Acknowledged or proved on or before July 3, 1958;*

36 (12) *Between husband and wife.*

37 (b) *In the case of a deed between parent and child, or brothers*
 38 *and sisters, the consideration base upon which the amount of the*
 39 *fee shall be calculated shall not include the remaining amount of*
 40 *any prior mortgage to which the transfer is subject or which is to*
 41 *be assumed and agreed to be paid by the grantee or any other*
 42 *lien or encumbrance thereon not paid, satisfied or removed in con-*
 43 *nection with the transfer of title;*

- 44 (13) *Conveying a cemetery lot or plot;*
45 (14) *In specific performance of a final judgment;*
46 (15) *Releasing a right of reversion.*

1 5. Section 7 of P. L. 1968, chapter 49 (C. 46:15-11) is amended
2 to read as follows:

3 7. The Division of Taxation of the Department of the Treasury
4 may prescribe such rules and regulations as it may deem necessary
5 to carry out the purposes of this act. *Such rules and regulations*
6 *shall include a method or methods by which disclosure of the con-*
7 *sideration may be made in a separate affidavit filed with said Divi-*
8 *sion of Taxation, and which such division shall keep confidential,*
9 *except to the extent necessary for use by it in the preparation of*
10 *the Table of Equalized Valuations, and for other statistical pur-*
11 *poses, and without disclosure, in any event, on the records of deeds*
12 *of the amount of the consideration or of the amount of the addi-*
13 *tional fee provided in section 3, and said rules and regulations may*
14 *provide for any appropriate administrative means to assure the*
15 *county recording officer that the consideration has been disclosed*
16 *and the corresponding fee paid to the Division of Taxation for re-*
17 *mission to the county. In any such case, the rules and regulations*
18 *may provide for the payment of an additional sum, not to exceed*
19 *\$10.00 for any one deed, for the use of the State, to compensate*
20 *for the additional cost of processing.*

1 6. This act shall take effect immediately.

FISCAL NOTE TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
SENATE, No. 304

STATE OF NEW JERSEY

DATED: JUNE 4, 1969

A fiscal note to Senate Bill No. 304 was prepared and dated March 17, 1969. Subsequently, the Assembly Committee Substitute for Senate Bill No. 304 was passed in the Assembly on May 20, 1969.

Under the provisions of the Assembly Committee Substitute, the State would collect a fee of \$10.00 with each affidavit where confidentiality of consideration is claimed.

The Treasury Department states that under the Realty Transfer Fee Law, all fees obtained pursuant thereto are accounted for and remitted to the county treasurer for the use of the county. Under this bill, the State would receive \$10.00 for each affidavit filed where confidentiality is desired. Precise figures are not available upon which to base an estimate of the amount of revenue which the State would receive. This would depend upon the number of confidentiality applications made.

Therefore, while the Treasury Department does not make an estimate of the revenue that may be derived, it does estimate that the cost of administering the confidentiality provision would be between \$25,000.00 and \$35,000.00 per year.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

January 13, 1970

SENATE BILL NO. 304 (ACS)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 304 (ACS), with my objections, for reconsideration.

Senate Bill No. 304 (ACS) substantially revises the Realty Transfer Fee Law of 1968 (P.L. 1968, c. 49; C. 46:15-5) by adding several clarifying amendments. One valuable change, in particular, is made with respect to gifts to certain members of the transferor's family where in spite of the existence of a mortgage on the property transferred, the unpaid amount would not be included in the term "consideration" as defined in the law. This is no doubt in conformity with the intent of the sponsors of the original legislation.

The bill does contain one amendment which is cause for serious concern. This is the provision set forth in Section 5 of the bill which would amend Section 7 of P.L. 1968, c. 49; (C. 46:15-11). This Section as originally enacted empowered the Division of Taxation to prescribe necessary rules and regulations to carry out the purposes of the law. The amendment is designed to provide that the rules and regulations shall include a method by which disclosure of the consideration in a real estate transaction may be made in a separate affidavit and filed with the Division of Taxation. The amendment further provides that such consideration shall be kept confidential except with respect to its use in the preparation of the Table of Equalized Valuations and for other statistical purposes, and without disclosure in any event on the records of deeds. The amendment also provides that regulations should be adopted to assure the county recording officer that the consideration has been disclosed and the proper fee paid to the Division of Taxation.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Senate Bill No. 304 (ACS)

2

The enactment of the Realty Transfer Fee constituted a vast improvement over the Documentary Stamp Tax Law as administered by the Federal Government prior to 1968. The requirement in our law that the consideration be stated in the deed or in an accompanying affidavit is of considerable value to the state and to the counties in their equalization procedures for the purposes of distributing state school aid, and apportioning county costs of government, respectively. Further, the disclosure of consideration enables property owners to determine whether they are being discriminated against in the assessment of their properties as against comparable properties. Senate Bill No. 304 which would require the consideration to be confidential would thwart the beneficial provisions of the realty transfer fee law as originally enacted. It would seriously interfere with the sales ratio studies now used to ascertain average assessment ratios for each municipality in the state. A taxing district would have no way of learning whether the sale of property, the consideration of which is regarded as confidential, would aid or injure it financially. Also, it should be pointed out that no limitation is placed upon the period of time during which the transaction is to remain confidential.

In short, the amendment also constitutes a substantial departure from the policy contained in the original enactment of the law, namely, full disclosure of consideration. While there are some valid arguments for confidentiality, generally connected to the need to assemble large parcels of land, I believe they are outweighed by the arguments for disclosure.

Moreover, it should be noted that any purchaser of real estate who desires to assemble various properties for a specific purpose and who is fearful that disclosure of the consideration would inflate the price to be paid for other properties to be included in such assemblage may, nevertheless,

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Senate Bill No. 304 (ACS)

3

acquire such additional parcels by taking an option with respect to their purchase. An option requires no disclosure under this act. This procedure is in common use today.

In view of the fact that the amendment to this section would cause serious dislocations and impede and interfere with established procedures which directly or indirectly affect the distribution of over \$200 million on state school aid and in excess of \$330 million in county tax apportionments, I am recommending that this section be deleted.

I believe that all the changes which I have recommended represent a constructive effort to retain the salutary provisions of the bill and, at the same time, assure that the administration of the law and the derivation of sales assessments ratios will not be impaired.

I therefore am returning this bill and respectfully recommend the following changes:

1. Page 1, Section 1, Lines 11 and 12: Omit in their entirety.
2. Page 1, Section 1, Line 13: Omit "without an annual or other periodic rental,".
3. Page 1, Section 1, Line 14: After "act." omit remainder of line.
4. Page 1, Section 1, Lines 15 and 16: Omit in their entirety.
5. Page 1, Section 1, Line 17: Omit "for the purposes of this act.".
6. Page 1, Section 1, Line 19: Omit "boundaries," insert "or".
7. Page 1, Section 1, Line 20: After "for" insert "utility service lines such as".
8. Page 1, Section 1, Line 21: After "other" insert "such".
9. Page 2, Section 1, Lines 36 to 40: Omit in their entirety and insert a new sentence and paragraph as follows:

"The amount of liens for real property taxes, water or sewerage charges for the current or any subsequent year, or by way of added assessment or other adjustment, as well as of other like liens or encumbrances of a current and continuing nature ordinarily adjusted between the parties according to the period of ownership shall be excluded as an element in determining the consideration, notwithstanding that such amount is to be paid by the grantee.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Senate Bill No. 304 (ACS)

4

"In any case where there is no specific dollar consideration agreed upon, or where the consideration as agreed upon cannot feasibly be expressed as a single sum at the time of recording, there shall be a prima facie presumption that the consideration is in the amount of the assessed value of the property for the purpose of levying local real property taxes adjusted to reflect the effect of local assessment levels as determined by the Director of the Division of Taxation according to the tables thereof available at the time of recording."

10. Page 2, Section 2, Line 7: Omit "is submitted".
11. Page 2, Section 2, Line 8: Omit "therewith".
12. Page 2, Section 2, Lines 9 and 10: After "therefor" insert "is annexed thereto for recording with the deed" .
13. Page 2, Section 2, Line 10: Omit "or (c) proof of the disclosure of the consideration therefor to the Division of Taxation as may be authorized pursuant to the provisions of section 7 of this act (C. 46:15-11) is submitted to the county recording officer."
14. Page 3, Section 4, Line 18: Omit "providing" insert "proving".
15. Page 3, Section 4, Line 20: Omit in its entirety.
16. Page 3, Section 4, Line 22: Omit ", including but not limited to a deed".
17. Page 3, Section 4, Line 29: After "principal" insert ";" and omit remainder of line.
18. Page 3, Section 4, Line 30: Omit in its entirety.
19. Page 4, Section 5, Lines 1 to 20: Omit in their entirety.
20. Page 4, Section 6, Line 1: Change "6" to "5"; after "effect" insert "60 days after approval thereof".

[SEAL]

Respectfully,

/s/ Richard J. Hughes

GOVERNOR

Attest:

/s/ Alan J. Karcher

Acting Secretary to the Governor