

54:5-104.42; 54:5-104.48

LEGISLATIVE HISTORY CHECKLIST

(In rem foreclosure--service of notice according to rules of courts)

NJSA 54:5-104.42; 54:5-104.48

LAWS OF 1979

CHAPTER 414

Bill No. A579

Sponsor(s) Burstein

Date Introduced Feb. 9, 1978

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Judiciary

Amended during passage Yes No

Date of Passage: Assembly April 24, 1978

Senate Dec. 6, 1979

Date of approval Feb. 8, 1980

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

Supreme Court case cited in Sponsor's and Senate Committee statements:

Township of Montville v. BLOCK 69, LOT 10 etc., et als.,
74 N.J. 1, 376 A.2d 909 (1977)

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ASSEMBLY, No. 579

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 9, 1978

By Assemblyman BURSTEIN

Referred to Committee on Judiciary, Law, Public Safety and Defense

AN ACT to amend the "In Rem Tax Foreclosure Act (1948)",
approved May 28, 1948 (P. L. 1948, c. 96).

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

1 1. Section 14 of P. L. 1948, c. 96 (C. 54:5-104.42) is amended to
2 read as follows:

3 14. The copy of the complaint filed in the office of the county
4 recording officer and the publication, *service* and posting of the
5 notice as provided by the Rules **[of the Supreme Court]** *Governing*
6 *the Courts of the State of New Jersey* shall be notice to the world
7 including all persons claiming any right, title, interest in or lien
8 upon the land sought to be affected by said complaint, whether or
9 not the names of said persons appear in said complaint, of the
10 institution of said foreclosure proceedings in rem, and that unless
11 said lands be redeemed in the cause as hereinafter provided, the
12 right, title, interest or lien of any such persons and the claim of
13 any or all other persons, whether such right, title, interest, lien or
14 claim has or shall have become vested or shall have arisen or may
15 arise prior to or subsequent to the filing of said complaint, shall be
16 foreclosed and forever debarred and that an indefeasible estate
17 in fee simple in said lands shall be vested in the plaintiff, by the
18 judgment of the said court, as provided in this act.

1 2. Section 20 of P. L. 1948, c. 96 (C. 54:5-104.48) is amended to
2 read as follows:

3 20. At any time after the enactment of this act, any person owning
4 land or holding a mortgage thereon, or any person having a lien or
5 claim thereon, or interest therein, may file with the tax collector
6 of the taxing district wherein such land is located, a notice stating
7 his name, residence and post-office address and a description, as

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

8 shown in the last tax duplicate of the municipality, of the parcel
9 of land in which such person has an interest, which notice shall
10 continue in effect for a period of five years, unless earlier canceled
11 by such person. A notice of foreclosure [may] shall be [mailed to]
12 served upon such persons and all others, as provided by Rules [of
13 the Supreme Court, but neither the failure to mail any such notice,
14 nor the failure of any person to receive such notice, shall affect the
15 validity of any action brought pursuant to this act] *Governing the*
16 *Courts of the State of New Jersey.*

1 3. This act shall take effect immediately.

STATEMENT

This bill has been drafted by the Division of Law Revision of the Legislative Services Agency in the course of its duty to conduct a continuous examination of the general and statutory law of the State and the judicial decisions construing those laws for the purpose of discovering defects therein and to submit legislative bills to remedy such defects.

Section 14 of the "In Rem Tax Foreclosure Act (1948)" (C. 54:5-104.42) was recently construed by the Supreme Court in the case of Township of Montville v. BLOCK 69, LOT 10 etc., et als., (decided June 9, 1977) and held to be unconstitutional as violative of the "due process" clauses of both the Federal and State Constitutions for failure to provide for service of the notice of foreclosure upon a taxpayer whose name appeared on the tax rolls of the municipality. To overcome this deficiency, Rule 4:64-7 of the Rules Governing the Courts of the State of New Jersey has been amended requiring service of the notice upon a taxpayer whose name appears on the municipality's tax rolls. The rule was also amended to require service of the notice upon those persons filing a notice with the tax collector pursuant to section 20 of the Act (C. 54:5-104.48). The sections, as amended, will require service of the notice of foreclosure in the manner provided by Rule 4:64-7.

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9 of land in which such person has an interest, which notice shall
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11 by such person. A notice of foreclosure [may] shall be [mailed to]
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SENATE JUDICIARY COMMITTEE

STATEMENT TO
ASSEMBLY, No. 579

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 1979

Section 14 of the "In Rem Tax Foreclosure Act (1948)" (C. 54:5-104.42) was construed by the Supreme Court in the case of Township of Montville v. BLOCK 69, LOT 10 etc., et als., (decided June 9, 1977) and held to be unconstitutional as violative of the "due process" clauses of both the Federal and State Constitutions for failure to provide for services of the notice of foreclosure upon a taxpayer whose name appeared on the tax rolls of the municipality. To overcome this deficiency, Rule 4:64-7 of the Rules Governing the Courts of the State of New Jersey has been amended requiring service of the notice upon a taxpayer whose name appears on the municipality's tax rolls. The rule was also amended to require service of the notice upon those persons filing a notice with the tax collector pursuant to section 20 of the act (C. 54:5-104.48). Assembly Bill No. 579 confirms the applicable statutes to R. 4:64-7. The bill is supported by the League of Municipalities.

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S-1451, sponsored by Wayne Dumont, Jr. (R-Warren), which amends several statutes dealing with the responsibility of parents for the support of their children, clarifying that the legal obligation of parents is limited to children under 18.

S-3274, sponsored by Senator Joseph P. Merlino (D-Mercer), which repeals certain sections of Title 51 of the Revised Statutes, which have become obsolete. The sections repealed include laws prescribing the standard size for cranberry barrels and the dimension for "climax baskets" for fruits and vegetables.

S-1471, sponsored by Senator Raymond J. Zane (D-Gloucester), which permits boards of education to allow school buses owned or leased by the school district to be used for transportation of senior citizens' groups and handicapped citizens to and from events within the district or another district as may be approved by the board.

A-359, sponsored by Assemblyman Karl Weidel (R-Mercer), which provides that police accident reports are public records, establishing the charge for copies as that established for copies of all other public records.

A-1050, sponsored by Assemblyman Michael J. Matthews (D-Atlantic), which increases the lien period for inheritance taxes from ten to fifteen years, and reduces the time limit of the liability from 20 years to 15 years.

In order to establish uniformity, this bill reduces the liability period to fifteen years, and at the same time increases the lien period to fifteen years. Thus, after fifteen years, there will be no lien, no liability, no waiver requirements and no necessity to file an inheritance tax return.

A-3067, sponsored by Assemblyman Buddy Fortunato (D-Essex), which eliminates the role of county and local governments in licensing solid fuel dealers, and streamlines the licensing system.

A-579, sponsored by Assemblyman Albert Burstein (D-Bergen), which requires service of notice an in rem foreclosure action upon all those whose names appear on a municipality tax roll.

A-758, sponsored by Assemblyman James R. Hurley (R-Cumberland), which amends S. 44:7-15 to clarify that the effective period of a judgement lien filed by a county welfare agency for assistance advanced to a recipient is twenty years.