

46:16A-5

LEGISLATIVE HISTORY CHECKLIST

NJSA: 46:16A-5 (Real estate settlement-- increases effective period)

CHAPTER 80

Laws Of: 1987

Bill No: S1195

Sponsor(s): O'Connor

Date Introduced: Pre-filed

Committee: Assembly: County Government  
Senate: County and Municipal Government

Amended during passage: No

Date of Passage: Assembly: February 19, 1987  
Senate: April 21, 1986

Date of Approval: March 16, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly: Yes  
Senate: Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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## SENATE, No. 1195

Introduced Pending Technical Review by Legislative Counsel  
PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator O'CONNOR

## SENATE, No. 3167

# STATE OF NEW JERSEY

INTRODUCED JUNE 24, 1985

By Senator O'CONNOR

Referred to Committee on County and Municipal Government

AN ACT to amend "An act providing for the form, filing and effect of notices of real estate settlements and supplementing Title 46 of the Revised Statutes," approved February 8, 1980 (P. L. 1979, c. 406).

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

1 1. Section 5 of P. L. 1979, c. 406 (C. 46.16A-5) is amended to  
2 read as follows:

3 5. The notice of settlement shall be effective for **[20]** 45 days  
4 from the date of filing. Any lien filed during said **[20]** 45 days  
5 shall attach to the premises described in the notice immediately  
6 upon the expiration of the **[20]** 45 days, provided the premises  
7 have not been conveyed and notwithstanding the filing of a sub-  
8 sequent notice of settlement.

1 2. This act shall take effect on the 60th day after enactment.

### STATEMENT

The notice of settlement protects the buyer of real estate from liens or sale of the property which occur between the date of the notice of settlement and the date of closing. This bill increases the number of days this protection can be afforded the buyer from 20 days to 45 days. This is needed because even though the notice of settlement is filed with the county recording officer, it is not actually recorded in many counties until many days have elapsed. The increase to 45 days takes into account delays in recording the notice of settlement and provides maximum protection to the buyer from intervening liens and claims.

**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 printed in italics *thus* is new matter

3-16-87 87

SENATE, No. 1195  
STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator O'CONNOR

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PROPERTY (ESTATES, REAL ESTATE)

Increases the effective period under a notice.

**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 printed in italics thus is new matter.**

ASSEMBLY COUNTY GOVERNMENT COMMITTEE  
STATEMENT TO  
**SENATE, No. 1195**  

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**STATE OF NEW JERSEY**  

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DATED: JUNE 12, 1986

The Assembly County Government Committee reports Senate Bill No. 1195 favorably.

Senate Bill No. 1195 amends section 5 of P. L. 1979, c. 406 (C. 46:16A-5) to extend the effective period for a notice of settlement from 20 to 45 days.

A notice of settlement protects the buyer of real estate from any intervening liens or subsequent sales of the property during the interim period between the filing of the notice of sale of the property and the date on which the deed for the property is actually recorded by the county. According to the sponsor, the extension is necessary because in certain cases it takes more than 20 days for a county to actually record a deed.

SENATE COUNTY AND MUNICIPAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**SENATE, No. 1195**

**STATE OF NEW JERSEY**

DATED: MARCH 24, 1986

The Senate County and Municipal Government Committee reports favorably Senate Bill No. 1195.

Senate Bill No. 1195 amends section 5 of P. L. 1979, c. 406 (C. 46:16A-5) to extend the effective period for a notice of settlement to 45 days. Under current law, the effective period is 20 days from the date of filing. A notice of settlement protects the buyer of real estate from liens or a sale which might occur between the date of the filing of the notice and the recording of the deed after the date of the closing.

According to the sponsor, the extension is needed to protect the buyer when recording of the deed is delayed.

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.