

P.S. 54:5-104.100 et seq.

LEGISLATIVE FACT SHEET

ON

N.J.R.S. *54:5-104.100 et seq (Title - Perfect)*
(*1964* Amendment)

LAWS OF *1964*

CHAPTER *184*

SENATE

ASSEMBLY *664*

INTRODUCED *Apr 20, 1964*

BY *Tanzman (and 4 others)*

STATEMENT

YES

NO

AMENDED DURING PASSAGE

YES

NO

HEARING

VETO

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ASSEMBLY, No. 664

STATE OF NEW JERSEY

INTRODUCED APRIL 20, 1964

By Assemblymen TANZMAN, HIERING, CRABIEL, DOREN and BRIGIANI

Referred to Committee on Revision and Amendment of Laws

AN ACT relating to perfecting of title to certain residential real estate and providing a penalty for persons attempting to defeat the operation of this act.

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

1 1. Where premises are owned, or are thought to be owned, by an in-
2 dividual or individuals occupying, or intending to occupy the same himself
3 or themselves as a single family residence, whether or not a home is partially
4 or fully erected thereon, and whether said premises will constitute the full lot
5 or yard for the home or a portion thereof, any claim of title, lien, encum-
6 brance, restriction or limitation against a fee simple absolute title in said indi-
7 vidual or individuals, whether or not asserted in litigation or in any other way,
8 shall be conveyed by the owner of such claim to said individual or individuals
9 upon his or their request and upon payment to said owner by or on behalf of
10 said individual or individuals of the amount paid by the owner to acquire said
11 interest (and, in the event property was all or part of the purchase price, then
12 such payment to said owner shall include the fair value of the property given
13 by the owner to acquire said interest) plus interest at the rate of 6% per
14 annum from the date of such acquisition by said owner to the date of such
15 payment; if for any reason such conveyance is not effected, either because of
16 the refusal of the owner to convey, or the inability of the individual or in-
17 dividuals to contact said owner, or for any reason whatsoever, said individual

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

18 or individuals may bring a civil action in the Superior Court, naming said
19 owner as a defendant, and serving him by substituted service; upon the suc-
20 cessful conclusion of such suit establishing a right to a conveyance the court
21 shall either order such conveyance or may effect such conveyance by its own
22 judgment as if same had been made by the owner. In any such action the
23 amount to be paid to the owner pursuant to this statute plus the interest re-
24 quired herein shall be deposited with the court at the time of the filing of the
25 complaint, and shall be turned over to the owner upon the successful com-
26 pletion of the action or retained by the court if said owner is not located, then
27 and turned over to the owner when located.

1 2. This act shall apply only where the occupancy, or intention to occupy,
2 or the ownership or belief of ownership of said individual or individuals or his
3 or their predecessors in interest derives in whole or in part from defective tax
4 sale or defective tax foreclosure proceedings, and where said individual or
5 individuals acquire his or their interest or ownership or purported interest or
6 ownership without actual knowledge of the outstanding claim of the owner or
7 his predecessor as mentioned above, and where the owner of such outstanding
8 claim acquires same with knowledge, constructive or actual, that said in-
9 dividual or individuals were attempting, or might attempt or might have at-
10 tempted, to foreclose or purchase or otherwise acquire said outstanding
11 interest or claim.

1 3. The benefits of this act shall inure to the successors in interest of said
2 individual or individuals if said individual or individuals would have been en-
3 titled to the benefits of the provisions of this act, regardless of the state of
4 knowledge of such successors, provided only that such successor is an in-
5 dividual or individuals occupying or intending to occupy said premises as a
6 single family residence as set forth above. The successors in interest to said
7 owner shall be subject to all of the disabilities of this act if said owner would
8 have been so subjected, if at the time of the acquisition from said owner (or
9 his or its successors) such successor knew or should have known, and would
10 have known by a reasonable investigation, that said owner or his or its suc-

11 cessors or any of them had acquired the interest or claim under the circum-
12 stances set forth in this act. The amount payable to such successor shall be the
13 amount last paid to an owner or successor not subject to the disabilities of
14 this act, plus interest at the rate of 6% per annum from the date such amount
15 was paid, or the amount which said successor paid plus said 6%, whichever is
16 smaller. Any agreement or arrangement with an owner who is not subject to
17 the disabilities of this act whereby such owner's claim is pursued for the bene-
18 fit of others (whether said owner is also benefited or not) under circumstances
19 where such others had they acquired said owner's claim would have been sub-
20 ject to the disabilities of this act shall be null and void; the attempted en-
21 forcement, pursuant to such agreement or arrangement, of such owner's claim
22 or interest shall be dismissed and any benefits paid to such others shall be re-
23 coverable by the individual or individuals entitled to the benefit of this act.
24 Anyone knowingly attempting to defeat the operation of this act by entering
25 into any such arrangement or agreement shall be * [guilty of a misdemeanor] *
26 * *adjudged a disorderly person* *.

1 4. Within the meaning of this act, premises shall be deemed to be
2 "thought to be owned" where an individual or individuals have color of title
3 by virtue of any deed whatsoever, devise, inheritance, or by virtue of a tax
4 sale certificate, if foreclosure proceedings on said certificate have been com-
5 pleted (whether by said individual or individuals or others) and have re-
6 sulted in a judgment purporting to foreclose the interests named therein,
7 even if said foreclosure proceedings resulting in said judgment are void as
8 against an owner subject to the provisions of this act, or his predecessors in
9 interest.

1 5. This act shall take effect immediately.