

## 22A:4-8.1

### LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

**LAWS OF:** 2001                                                **CHAPTER:** 370  
**NJSA:** 22A:4-8.1                                             (Fees and salaries of certain county officials)  
**BILL NO:** S553  
**SPONSOR(S):** Cafiero  
**DATE INTRODUCED:** January 11, 2000  
**COMMITTEE:**             **ASSEMBLY:** Local Government: Appropriations  
                                      **SENATE:** Budget  
**AMENDED DURING PASSAGE:** Yes  
**DATE OF PASSAGE:**             **ASSEMBLY:** January 7, 2002  
                                                                                     **SENATE:** January 7, 2002  
**DATE OF APPROVAL:** January 8, 2002

#### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (Senate Committee Substitute (first reprint))  
(Amendments during passage denoted by superscript numbers)

S553

|                                                                 |                  |                                 |
|-----------------------------------------------------------------|------------------|---------------------------------|
| <b>SPONSORS STATEMENT:</b> (Begins on page 21 of original bill) | Yes              |                                 |
| <b>COMMITTEE STATEMENT:</b>                                     | <b>ASSEMBLY:</b> | Yes    12-13-2001(Local Gov't.) |
|                                                                 | <b>SENATE:</b>   | 12-20-2001(Appropr.)            |
| <b>FLOOR AMENDMENT STATEMENTS:</b>                              | Yes              |                                 |
| <b>LEGISLATIVE FISCAL ESTIMATE:</b>                             | No               |                                 |
| <b>VETO MESSAGE:</b>                                            | Yes              |                                 |
| <b>GOVERNOR'S PRESS RELEASE ON SIGNING:</b>                     | No               |                                 |

#### FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

|                            |     |
|----------------------------|-----|
| <b>REPORTS:</b>            | No  |
| <b>HEARINGS:</b>           | No  |
| <b>NEWSPAPER ARTICLES:</b> | Yes |

"Legislature approves raise for county officials," 1-8-2002 The Press,pC3

**SENATE, No. 553**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Senator JAMES S. CAFIERO**

**District 1 (Cape May, Atlantic and Cumberland)**

**Co-Sponsored by:**

**Senators Bennett and Ciesla**

**SYNOPSIS**

Revises fees and salaries of county clerks, registers of deeds and mortgages, sheriffs and surrogates, establishes fund to upgrade and modernize services of sheriffs' offices and authorizes payment of salaries from fees.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



S553 CAFIERO

2

1 AN ACT concerning certain fees and salaries of county clerks, sheriffs,  
2 surrogates and other officers, amending and supplementing Title  
3 22A of the New Jersey Statutes and amending R.S.56:3-16.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 1 of P.L.1973, c.61 (C.2A:5-3.9) is amended to read as  
9 follows:

10 1. The board of chosen freeholders in each county, by resolution  
11 shall fix the annual salary of the surrogate [as follows:

12 In counties having a population in excess of 600,000, not less than  
13 \$24,000.00 or more than the board of chosen freeholders may by  
14 resolution duly authorize per annum;

15 In counties having a population in excess of 400,000, but not more  
16 than 600,000, not less than \$21,000.00 or more than the board of  
17 chosen freeholders may by resolution duly authorize per annum;

18 In counties having a population in excess of 190,000, but not more  
19 than 400,000, not less than \$18,000.00 or more than the board of  
20 chosen freeholders may by resolution duly authorize per annum;

21 In counties having a population of 190,000 or less, not less than  
22 \$15,000.00 or more than the board of chosen freeholders may by  
23 resolution duly authorize per annum.] in an amount equal to not less  
24 than seventy-five percent (75%) of the annual salary of a Judge of the  
25 Superior Court. Nothing in this section shall be construed to require  
26 that a surrogate whose annual salary exceeds the amount provided for  
27 herein shall be reduced, or that a board of chosen freeholders may not  
28 increase the salary of a surrogate in excess of the amount provided for  
29 herein.

30 Nothing in this act shall authorize the fixing of the salary of any  
31 person holding the office of surrogate at any amount less than that  
32 now payable pursuant to law, so long as the said person shall hold  
33 such office during the present and any consecutively ensuing term or  
34 terms, nor shall anything in this act authorize the payment of any  
35 salary for which a range is established in an amount less than the  
36 minimum of said range.

37 The salary of said officer shall be paid by the proper county  
38 disbursing officer in the same manner as county officers and employees  
39 are paid.

40 (cf: P.L.1974, c.153, s.4)

41  
42 2. N.J.S.22A:2-29 is amended to read as follows:

43 22A:2-29. Upon the filing, indexing, entering or recording of the

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

**Matter underlined thus is new matter.**

S553 CAFIERO

1 following documents or papers in the office of the county clerk or  
2 deputy clerk of the Superior Court, such parties, filing or having the  
3 same recorded or indexed in the county clerk's office or with the  
4 deputy clerk of the Superior Court in the various counties in this State  
5 in all civil or criminal causes, shall pay the following fees in lieu of the  
6 fees heretofore provided for the filing, recording or entering of such  
7 documents or papers:  
8 In general--  
9 Issuing county clerk's certificate,  
10 any instrument.....[\$3.00] \$ 5.00  
11 Comparing and making copies,  
12 per sheet .....[\$3.00] \$2.00  
13 Copies of all papers, typing and comparing of  
14 photostat, per page .....[\$1.50] \$ 2.00  
15 Marking as a true copy, any instrument .....[\$1.50] \$ 2.00  
16 Exemplification, any instrument .....[\$7.50] \$10.00  
17 Plus \$1.00 per page of instrument.  
18 Recording or filing all instruments not  
19 herein stated .....\$7.50  
20 Bonds, bail, recognizances--  
21 Recording all official bonds with acknowledgment and  
22 proof of the execution thereof .....\$9.00  
23 Filing and entering recognizance or civil bail .....\$9.00  
24 Filing discharge, attachment bond .....\$9.00  
25 Filing satisfaction or order discharging  
26 recognizance or civil bail .....\$9.00  
27 Filing and recording filiation bond .....\$9.00  
28 Filing satisfaction of or order discharging  
29 filiation bond.....\$9.00  
30 Recording or discharging sheriff's bond .....\$9.00  
31 Nonbusiness corporation, recording:  
32 Certificates of incorporation of [corporations  
33 and associations not-for-profit, and of societies,  
34 clubs, credit unions,] churches, religious societies  
35 and congregations .....[\$15.00] \$25.00  
36 Amendments to certificates of incorporation[,  
37 all corporations] of churches, religious societies and  
38 congregations, recording .....[\$15.00] \$25.00  
39 [All other corporate certificates, recording ...\$9.00]  
40 Bank merger agreements, recording:  
41 [Three sheets or less] First sheet .....[\$15.00] \$25.00  
42 Each additional sheet [over three].....[\$ 3.00] \$ 5.00  
43 Certificates, each .....[\$ 3.00] \$ 5.00  
44 Tradenames, firms, partnerships:  
45 Certificate of name, filing (see R.S.56:1-1  
46 et seq.) .....[\$30.00] \$50.00

S553 CAFIERO

|    |                                                            |                          |
|----|------------------------------------------------------------|--------------------------|
| 1  | Certificate of dissolution of tradename                    |                          |
| 2  | (see R.S.56:1-6 et seq.) .....                             | [\$ 9.00] <u>\$25.00</u> |
| 3  | <u>Partnership agreement (see R.S.42:1-1 et seq)</u> ..... | <u>\$50.00</u>           |
| 4  | [Bottles, et cetera, description                           |                          |
| 5  | (see R.S.56:3-14 et seq.) .....                            | \$ 4.50]                 |
| 6  | Building and loan or savings and loan associations:        |                          |
| 7  | Change of name .....                                       | [\$15.00] <u>\$25.00</u> |
| 8  | Dissolution .....                                          | [\$ 9.00] <u>\$25.00</u> |
| 9  | Certificates for limited-dividend housing                  |                          |
| 10 | associations, recording:                                   |                          |
| 11 | <u>First page</u> .....                                    | [\$15.00] <u>\$20.00</u> |
| 12 | <u>Each additional page</u> .....                          | <u>\$ 5.00</u>           |
| 13 | Certificates for urban renewal associations,               |                          |
| 14 | recording:                                                 |                          |
| 15 | <u>First page</u> .....                                    | [\$15.00] <u>\$20.00</u> |
| 16 | <u>Each additional page</u> .....                          | <u>\$ 5.00</u>           |
| 17 |                                                            |                          |
| 18 | Judgments, et cetera--                                     |                          |
| 19 | Recording judgments.....                                   | [\$ 9.00] <u>\$15.00</u> |
| 20 | Filing, entering and recording judgment on bond            |                          |
| 21 | and warrant by attorney .....                              | \$37.50                  |
| 22 | Certificate for docketing Superior Court                   |                          |
| 23 | transcript.....                                            | \$ 9.00                  |
| 24 | Recording assignment of judgment .....                     | \$15.00                  |
| 25 | Issuing transcript of judgment .....                       | \$ 7.50                  |
| 26 | Filing or entering on the record of discharge,             |                          |
| 27 | cancellation, release or satisfaction of a judgment        |                          |
| 28 | by satisfaction piece, execution returned satisfied        |                          |
| 29 | or otherwise .....                                         | [\$ 7.50] <u>\$15.00</u> |
| 30 | For recording and indexing postponement of the lien        |                          |
| 31 | of judgment .....                                          | [\$15.00] <u>\$20.00</u> |
| 32 | Execution on judgment:                                     |                          |
| 33 | Issuing warrant on court order .....                       | \$ 9.00                  |
| 34 | Drawing execution .....                                    | \$ 9.00                  |
| 35 | Recording execution .....                                  | \$ 9.00                  |
| 36 | Warrant for satisfaction .....                             | \$ 6.00                  |
| 37 | Writ of attachment .....                                   | \$ 9.00                  |
| 38 | Writ of possession .....                                   | \$ 9.00                  |
| 39 | Writ of sequestration .....                                | \$ 9.00                  |
| 40 | Discharge of writ .....                                    | \$ 9.00                  |
| 41 | Mandate .....                                              | \$15.00                  |
| 42 |                                                            |                          |
| 43 | Liens--                                                    |                          |
| 44 | Filing, indexing and recording mechanic's                  |                          |
| 45 | lien claim .....                                           | \$ 9.00                  |
| 46 | Recording, filing and noting on the record                 |                          |

S553 CAFIERO

|    |                                                      |                          |
|----|------------------------------------------------------|--------------------------|
| 1  | the discharge, release or satisfaction of            |                          |
| 2  | a mechanic's lien claim .....                        | \$ 9.00                  |
| 3  | Extension of lien claim .....                        | \$ 3.00                  |
| 4  | Filing statement in mechanic's lien                  |                          |
| 5  | proceeding.....                                      | \$ 9.00                  |
| 6  | Filing, recording and indexing mechanic's            |                          |
| 7  | notice of intention.....                             | \$ 4.50                  |
| 8  | Filing a certificate discharging a mechanic's        |                          |
| 9  | notice of intention and noting the discharge         |                          |
| 10 | on the record thereof .....                          | \$ 4.50                  |
| 11 | Filing certificate from court of commencement        |                          |
| 12 | of suit.....                                         | \$ 4.50                  |
| 13 | Filing a court order amending a mechanic's           |                          |
| 14 | notice of intention .....                            | \$ 9.00                  |
| 15 | <u>Construction lien .....</u>                       | <u>\$ 15.00</u>          |
| 16 | <u>Notice of unpaid balance, discharge .....</u>     | <u>\$ 15.00</u>          |
| 17 | <u>Notation .....</u>                                | <u>\$ 5.00</u>           |
| 18 | <u>Bond .....</u>                                    | <u>\$ 25.00</u>          |
| 19 | Filing a court order to discharge notice             |                          |
| 20 | of intention and noting the discharge on             |                          |
| 21 | the record thereof .....                             | [\$ 9.00] <u>\$15.00</u> |
| 22 | Filing, recording and indexing stop                  |                          |
| 23 | notice .....                                         | \$ 4.50                  |
| 24 | Filing a certificate discharging a stop              |                          |
| 25 | notice and noting the discharge on                   |                          |
| 26 | the record thereof .....                             | \$ 4.50                  |
| 27 | Filing a court order discharging                     |                          |
| 28 | a stop notice and noting the discharge on the record |                          |
| 29 | thereof .....                                        | \$ 9.00                  |
| 30 | Filing building contract .....                       | [\$15.00] <u>\$25.00</u> |
| 31 | Filing discharge of building contract .....          | [\$ 9.00] <u>\$15.00</u> |
| 32 | <u>Notation .....</u>                                | <u>\$ 5.00</u>           |
| 33 | Filing building specifications .....                 | [\$ 7.50] <u>\$25.00</u> |
| 34 | Filing building plans .....                          | [\$ 7.50] <u>\$25.00</u> |
| 35 | Filing each notice of physician's lien .....         | [\$ 4.50] <u>\$15.00</u> |
| 36 | Entering upon the record the discharge               |                          |
| 37 | of a physician's lien.....                           | [\$ 4.50] <u>\$15.00</u> |
| 38 | Filing each hospital lien claim .....                | [\$ 4.50] <u>\$15.00</u> |
| 39 | Discharge of hospital lien.....                      | [\$ 4.50] <u>\$15.00</u> |
| 40 | Filing satisfaction or order for discharge           |                          |
| 41 | of attachment.....                                   | [\$ 9.00] <u>\$15.00</u> |
| 42 | Recording collateral inheritance                     |                          |
| 43 | waiver or receipt .....                              | [\$ 9.00] <u>\$15.00</u> |
| 44 | Recording inheritance tax waiver .....               | [\$ 9.00] <u>\$15.00</u> |
| 45 | Subordination, release, partial release              |                          |
| 46 | or postponement of a lien to                         |                          |

S553 CAFIERO

|    |                                                        |            |                |
|----|--------------------------------------------------------|------------|----------------|
| 1  | lien of mortgage .....                                 | [\$ 7.50]  | <u>\$20.00</u> |
| 2  | <u>Notation .....</u>                                  |            | \$ 5.00        |
| 3  |                                                        |            |                |
| 4  | Commissions and oaths--                                |            |                |
| 5  | Administering oaths to notaries public and             |            |                |
| 6  | commissioners of deeds.....                            | [\$ 7.50]  | <u>\$15.00</u> |
| 7  | For issuing certificate of authority of                |            |                |
| 8  | notary to take proof, acknowledgment of                |            |                |
| 9  | affidavit.....                                         | [\$ 3.00]  | <u>\$ 5.00</u> |
| 10 | For issuing each certificate of the commission         |            |                |
| 11 | and qualification of notary public for filing          |            |                |
| 12 | with other county clerks .....                         | [\$ 6.00]  | <u>\$15.00</u> |
| 13 | For filing each certificate of the commission          |            |                |
| 14 | and qualification of notary public, in office          |            |                |
| 15 | of county clerk of county other than where             |            |                |
| 16 | such notary has qualified.....                         | [\$ 6.00]  | <u>\$15.00</u> |
| 17 |                                                        |            |                |
| 18 | Miscellaneous--                                        |            |                |
| 19 | Filing and recording proceedings for laying            |            |                |
| 20 | out, vacating or dedicating roads.....                 | [\$15.00]  | <u>\$25.00</u> |
| 21 | Recording firemen's certificates .....                 | No charge. |                |
| 22 | Registering physician .....                            | [\$15.00]  | <u>\$25.00</u> |
| 23 | Issuing alcoholic beverage identification              |            |                |
| 24 | card .....                                             | [\$ 6.00]  | <u>\$10.00</u> |
| 25 | <u>Issuing of nonalcoholic beverage identification</u> |            |                |
| 26 | <u>card to persons under twenty-one years</u>          |            |                |
| 27 | <u>of age.....</u>                                     |            | <u>\$10.00</u> |

28 (cf: P.L.1985, c.422, s.4)

29  
30 3. N.J.S.22A:2-30 is amended to read as follows:  
31 22A:2-30. Fees of surrogate and deputy clerk of the Superior  
32 Court.

33 Fees for services of the surrogate and deputy clerk of the Superior  
34 Court enumerated below shall be as follows and shall be for the use of  
35 the county in which the fees are collected:

36  
37 **PROBATE OF WILLS AND COPIES**

38  
39 Probate of a will of not more than two pages, [\$50.00] \$100.00.  
40 Each additional page, \$ 5.00.

41  
42 The above fee is for all services in preparation and execution of  
43 complaint, filing proof of death, deposition of one witness,  
44 qualification of executor, filing power of attorney, surrogate's  
45 certificate, judgment for probate, letters testamentary, plain copy of  
46 will, binding, recording, microfilming or photostating, comparing,

S553 CAFIERO

1 docketing, report to the Division of Taxation in the Department of the  
2 Treasury, report and transmission to the Clerk of the Superior Court.

3

4 Probate of will of not more than two pages without letters,  
5 ~~[\$35.00]~~ \$50.00. Each additional page, \$ 5.00. This fee is for the  
6 same services as are enumerated in the preceding paragraph, except  
7 letters, surrogate's certificate and qualification of executor.

8

9 Probate of each codicil, not exceeding one page, ~~[\$15.00]~~ \$25.00.

10

11 Where codicil requires an additional witness, ~~[\$3.00]~~ \$5.00.

12

13 To reopen probate proceedings for qualification of executor or  
14 taking proof of extra witness, ~~[\$15.00]~~ \$25.00.

15

16 One witness in the above probate proceedings, no charge.

17

18 Each additional witness, ~~[\$3.00]~~ \$5.00.

19

20 Recording and comparing, microfilming or photostating, each  
21 additional page of will or codicil, ~~[\$3.00]~~ \$5.00.

22

23 Filing, entering, issuing and recording, microfilming or  
24 photostating, proceedings in commission for deposition of foreign  
25 witness to a will or codicil, ~~[\$20.00]~~ \$35.00. Plain extra copy of will,  
26 \$3.00 for each page.

27

28 Certified extra copy of will, ~~[\$3.00]~~ \$5.00 for each page, plus  
29 ~~[\$3.00]~~ \$5.00 for certificate.

30

31 Certified copy of will with proofs for New Jersey county, not  
32 exceeding two pages including will and codicil, ~~[\$20.00]~~ \$50.00. For  
33 pages in excess of two, ~~[\$3.00]~~ \$5.00 for each page.

34

35 Wills filed but not probated (as, where there are no assets), \$10.00  
36 for first two pages, \$5.00 for each additional page, [\$4.00] \$5.00 for  
37 cover letter stating no assets, \$5.00 for death certificate.

38

39 Exemplifying will for another state, not exceeding two pages  
40 including will and codicil, plus cost of certificate of Secretary of State  
41 when requisite, ~~[\$25.00]~~ \$75.00 (not including \$9.00 fee for  
42 exemplified forms). For pages in excess of two, ~~[\$3.00]~~ \$5.00 for  
43 each page.

44

45 Recording, microfilming or photostating, docketing, indexing, filing  
46 and reporting to the Division of Taxation in the Department of the



1 Treasury an exemplified copy of will and probate proceedings from  
2 another state, [~~\$3.00~~] \$5.00 for each page.

3  
4 Recording, microfilming or photostating, docketing, indexing and  
5 filing a certified copy of will with proofs from New Jersey, [~~\$3.00~~]  
6 \$5.00 for each page.

7  
8 Recording, microfilming or photostating certified transcripts of  
9 wills admitted to probate and probate proceedings or letters of  
10 administration and administration proceedings granted by the Superior  
11 Court, [~~\$3.00~~] \$5.00 for each page.

12  
13 LETTERS OF TRUSTEESHIP

14  
15 Acceptance of trustee and letters of trusteeship, including one  
16 certificate, [~~\$25.00~~] \$50.00.

17  
18 LETTERS OF ADMINISTRATION

19  
20 General administration, including preparation and execution of  
21 complaint, bond, surety affidavits, necessary recording, microfilming  
22 or photostating, indexing, filing, report to the Division of Taxation,  
23 including power of attorney and death certificate, in the Department  
24 of the Treasury and the Clerk of the Superior Court and original letters  
25 including authorization to accept service of process and death  
26 certificate, [~~\$40.00~~] \$125.00, and for other documents, \$5.00 per  
27 page.

28  
29 Administration ad prosequendum, [~~\$25.00~~] \$50.00, and for other  
30 documents, \$5.00 per page.

31  
32 Exemplifying administration, [~~\$20.00~~] \$75.00.

33  
34 Certified copy of administration, [~~\$15.00~~] \$50.00.

35  
36 Affidavits of surviving spouse or next of kin where the value of the  
37 real and personal assets of the estate does not exceed [~~\$10,000.00~~]  
38 \$20,000.00 or [~~\$5,000.00~~] \$10,000.00, respectively, [when less than  
39 \$100.00, \$2.00 and \$2.00] \$5.00 for each \$100.00 or part thereof [, in  
40 excess of \$100.00]. Total cost shall not exceed [~~\$25.00~~] \$50.00. This  
41 fee is waived where the value of the assets of the estate does not  
42 exceed \$200.00.

43  
44 [Affidavit of heir where the value of the real and personal assets of  
45 the estate does not exceed \$5,000.00, \$10.00.]

46

1 LETTERS OF GUARDIANSHIP

2  
3 Granting letters of guardianship, acceptance of guardianship and  
4 filing of power of attorney, [~~\$20.00~~] \$50.00.

5  
6 Affidavits of estates of minors where value of real and personal  
7 estate does not exceed \$5,000.00, [~~\$3.00~~] \$5.00 per page.

8  
9 Miscellaneous petitions and orders, [~~\$3.00~~] \$5.00 per page.

10  
11 INVENTORIES

12  
13 For all services in appointment of appraisers, [~~\$10.00~~] \$25.00.

14  
15 Filing, entering and recording, microfilming or photostating,  
16 inventory and appraisal, not exceeding one page, and affidavits of  
17 appraisers and executor, [~~\$15.00~~] \$25.00.

18 For each additional page, [~~\$3.00~~] \$5.00.

19  
20 ACCOUNTING

21  
22 For filing complaint and one page of accounting, \$175.00.

23  
24 For auditing, stating, reporting and recording, microfilming or  
25 photostating, accounts of executors, administrators, guardians,  
26 trustees and assignees, including drawing judgment, but exclusive of  
27 advertising costs:

28 In estates up to and including \$2,000.00, [~~\$50.00~~] no additional  
29 fee.

30 In estates from \$2,001.00 to and including \$10,000.00, [~~\$70.00~~]  
31 \$100.00.

32 In estates from \$10,001.00 to and including \$30,000.00, [~~\$85.00~~]  
33 \$125.00.

34 In estates from \$30,001.00 to and including \$65,000.00, [~~\$100.00~~]  
35 \$150.00.

36 In estates from \$65,001.00 to and including \$200,000.00, [~~1/5~~]  
37 3/10 of 1% but not less than \$300.00.

38 In estates exceeding \$200,000.00--~~[1/10]~~ 4/10 of 1%, but not less  
39 than \$400.00.

40 For each page of accounting in excess of one, [~~\$3.00~~] \$5.00.

41  
42 In computing the amount of an estate for the purpose of fixing the  
43 fees of a surrogate for auditing and reporting the account, the balance  
44 from the prior account shall be excluded.

45 For preparing notice of settlement of accounts and copies of the  
46 same, forwarding notice to newspaper, with directions as to

1 publication, obtaining proofs of publication, keeping a record of  
2 notices and newspapers to which they are sent and of the moneys  
3 received to defray the cost of advertising and transmitting advertising  
4 charges to newspaper, ~~[\$25.00]~~ \$50.00.

5 No fees herein allowed shall be charged against the recipient of any  
6 pension, bounty or allowance, for services of the surrogate and the  
7 Probate Part of the ~~[Law]~~ Chancery Division of the Superior Court in  
8 respect thereof, pursuant to N.J.S.3B:13-9 to 3B:13-14.

9

10 MISCELLANEOUS PROCEEDINGS

11

12 Proceedings relative to presumption of death, filing, entering and  
13 recording, microfilming or photostating (exclusive of letters), with  
14 additional fee for advertising, ~~[\$75.00]~~ \$175.00.

15 Sale of land to pay debts (exclusive of advertising), ~~[\$50.00]~~  
16 \$175.00.

17

18 Sale of land in fulfillment of contract made by decedent, ~~[\$50.00]~~  
19 \$175.00.

20

21 Sale of lands within one year, ~~[\$50.00]~~ \$175.00.

22

23 Sale of minor's land, ~~[\$50.00]~~ \$175.00.

24

25 Distribution, filing and entering complaint, recording, microfilming  
26 or photostating, and filing judgment, ~~[\$50.00]~~ \$175.00.

27

28 Filing of first paper in action in the Superior Court, Chancery  
29 Division, Probate Part, \$175.00.

30

31 Filing of answering pleadings or other answering papers in Superior  
32 Court, Chancery Division, Probate Part (First paper filed by anyone  
33 other than Plaintiff), \$110.00.

34

35 Adoption of adults, filing and entering proceedings (all papers)  
36 including one judgment, ~~[\$75.00]~~ \$175.00.

37

38 Adoption of minors ~~[with one hearing]~~, filing and entering  
39 proceedings (all papers) including one judgment, ~~[\$75.00]~~ \$175.00.

40

41 ~~[Adoption of minors with two or more hearings, filing and entering~~  
42 ~~proceedings (all papers) including one judgment, \$75.00.]~~

43

44 Application and order to limit time to creditors, ~~[\$25.00]~~ \$40.00,  
45 but exclusive of advertising costs.

46

1     Application for relief subsequent to final judgment in the Superior  
2 Court, Chancery Division, Probate Part, \$25.00.

3  
4     Preparing notices to creditors to present their claims and copies of  
5 the same, sending notice to newspapers with directions as to  
6 publication, obtaining proofs of publication, keeping a record of  
7 notices and newspapers to which they are sent for publication, and of  
8 the moneys received to defray the cost of advertising and transmitting  
9 advertising charges to newspapers, \$10.00.

10  
11     Advertising order of court or notice, when done by the surrogate,  
12 [~~\$5.00~~] \$10.00, in addition to advertising fees.

13  
14     Proceedings for the appointment of a conservator, with or without  
15 jury trial, [~~\$75.00, with trial by jury, \$75.00~~] \$175.00.

16  
17     Proceeding for the determination of [~~mental incompetency~~]  
18 incapacity and for the appointment of a guardian for an alleged  
19 [~~mental incompetent~~] incapacitated person, with or without jury trial,  
20 [~~\$75.00, with trial by jury, \$75.00~~] \$175.00.

21  
22     Proceedings in connection with payment into court of proceeds of  
23 a judgment in favor of a minor, in lieu of bond, pursuant to N.J.S.  
24 3B:15-16 and N.J.S.3B:15-17 (in addition to fees payable under  
25 Letters of Guardianship), the following fees are payable upon  
26 withdrawal of funds on deposit:

27     For each withdrawal including petitions and orders provided and  
28 prepared by the surrogate for withdrawal of funds for court approval:

29         Up to and including \$500.00, [~~\$10.00~~] \$20.00.

30  
31         From \$501.00 to and including \$1,000.00, [~~\$15.00~~] \$25.00.

32  
33         From \$1,001.00 to and including \$5,000.00, [~~\$20.00~~] \$30.00.

34  
35         From \$5,001.00 to and including \$10,000.00, [~~\$25.00~~] \$35.00.

36  
37         From \$10,001.00 to and including \$25,000, \$40.00.

38  
39         From \$25,001.00 to and including \$50,000.00, [~~\$30.00~~] \$60.00.

40  
41         In excess of \$50,000.00, [~~\$50.00~~] \$100.00.

42  
43                     MISCELLANEOUS CHARGES

44  
45     Short certificates, [~~\$3.00~~] \$5.00.

46

S553 CAFIERO

12

1 Validating short certificate within one year of issue of date, [~~\$1.00~~  
2 \$3.00.  
3  
4 [~~Subpenas~~] Subpoenas, each, [~~\$5.00~~] \$25.00.  
5  
6 Marking true copies, [~~subpenas~~] subpoenas, each, [~~\$2.00~~] \$3.00.  
7  
8 Marking true copies, orders to show cause, each, [~~\$2.00~~] \$3.00.  
9  
10 Marking true copies of other papers, each, [~~\$2.00~~] \$3.00.  
11  
12 Authorization of process, [~~\$3.00~~] \$5.00.  
13  
14 Swearing each witness, [~~\$1.00~~] \$2.00.  
15  
16 Adjournment or continuance, [~~\$3.00~~] \$15.00.  
17  
18 Miscellaneous orders of court, first page, [~~\$3.00~~] \$5.00.  
19  
20 For each additional page, [~~\$3.00~~] \$5.00.  
21  
22 Recording, microfilming or photostating all papers not herein  
23 provided for, [~~\$3.00~~] \$5.00 for each page.  
24  
25 For making copies not otherwise provided for, \$3.00 for each page.  
26  
27 Filing transcript of death certificate, [~~\$3.00~~] \$5.00.  
28  
29 Power of attorney, per page [~~\$3.00~~] \$5.00 plus \$5.00 for certified  
30 mail.  
31  
32 Search fee, per estate \$10.00  
33  
34 Proceedings relative to appointment of a guardian ad litem,  
35 [~~\$15.00~~] \$25.00.  
36  
37 Renunciation by one person, filing, entering and recording, or  
38 photostating, [~~\$3.00~~] \$5.00. Each additional person, [~~\$1.00~~]  
39 \$3.00.  
40  
41 Caveat, filing or withdrawing, [~~\$10.00~~] \$25.00.  
42  
43 Combined refunding bond and release of not more than two pages,  
44 filing, entering, microfilming and recording, or photostating, [~~\$6.00~~]  
45 \$10.00. [~~For more than two pages, \$3.00~~] \$5.00 for each additional  
46 page. Additional charge for county clerk's certificate, [~~\$2.00~~] \$5.00.

S553 CAFIERO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

Release of not more than two pages of refunding bond and release,  
[~~\$6.00~~] \$10.00. [~~For more than two pages, \$3.00~~] \$5.00 for each  
additional page. Additional charge for county clerk's certificate,  
[~~\$2.00~~] \$5.00.

Assignments of legacy or interest, [~~\$3.00~~] \$10.00 per page, plus  
[~~\$2.00~~] \$5.00 where county clerk's certificate is necessary.

Filing all papers not herein provided for, [~~\$3.00~~] \$5.00, if  
microfilming process is used, [~~\$3.00~~] \$5.00 per page.

Plain copy of two-page will, \$6.00.

Each additional page, \$3.00.

Filing of motions in the Superior Court, Chancery Division, Probate  
Part, \$15.00.

Notice of appeal (trial court), \$10.00.

Minimum charge for all other papers or services in proceedings in  
the Superior Court, Chancery Division, Probate Part, \$5.00.

3B:14-48 Service of Process by Surrogate, \$25.00.

Duplicating or copying of microfiche, digital tape, high density  
disks, optically scanned and recorded materials or for any other media  
used to record or preserve records, \$150.00 per medium recorded.

Processing fee for returned check, \$20.00 plus bank fee.  
(cf: P.L.1988, c.109, s.1).

4. Section 2 of P.L.1965, c.123 (C.22A:4-4.1) is amended to read  
as follows:

2. County clerks and registers of deeds and mortgages, in counties  
having such offices, shall charge for the services herein enumerated the  
following fees:

|                                                                                                                                        | Fee                                   |
|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| For recording veteran's discharge papers . . . . .                                                                                     | No fee                                |
| For recording any instrument:                                                                                                          |                                       |
| First page . . . . .                                                                                                                   | [ <del>\$15.00</del> ] <u>\$25.00</u> |
| Each additional page or part thereof . . . . .                                                                                         | [ <del>\$ 2.00</del> ] <u>\$ 5.00</u> |
| Each rider, insertion, addition, or any map,<br>plat or sketch filed or recorded<br>pursuant to paragraph (c) of section 2 of P.L.1957 |                                       |

S553 CAFIERO

|    |                                                      |           |                |
|----|------------------------------------------------------|-----------|----------------|
| 1  | chapter 130 (C.48:3-17.3) . . . . .                  | [\$ 2.00] | <u>\$ 5.00</u> |
| 2  | For entering the marginal notation of an order       |           |                |
| 3  | judgment, statement or warrant discharging,          |           |                |
| 4  | annulling a notice of lis pendens and                |           |                |
| 5  | for filing such order, judgment or                   |           |                |
| 6  | statement . . . . .                                  | [\$ 3.00] | <u>\$ 5.00</u> |
| 7  | <u>For filing a lis pendens foreclosure. . . . .</u> |           | <u>\$25.00</u> |
| 8  | <u>Notation . . . . .</u>                            |           | <u>\$5.00</u>  |
| 9  | For preparing and transmitting to the assessor,      |           |                |
| 10 | collector, or other custodian of the assessment      |           |                |
| 11 | map of any taxing district, the abstract of an       |           |                |
| 12 | instrument evidencing title to                       |           |                |
| 13 | realty . . . . .                                     | [\$ 3.00] | <u>\$ 5.00</u> |
| 14 | For entering the marginal notation of a              |           |                |
| 15 | discharge or release of a New Jersey building        |           |                |
| 16 | and loan or savings and loan mortgage and            |           |                |
| 17 | forwarding abstract . . . . .                        | [\$ 3.00] | <u>\$ 5.00</u> |
| 18 | For entering the marginal notation of a              |           |                |
| 19 | discharge, assignment, postponement or               |           |                |
| 20 | release of a mortgage, other than building and       |           |                |
| 21 | loan and savings and loan mortgages . . . . .        | [\$ 3.00] | <u>\$ 5.00</u> |
| 22 | For the cancellation of any mortgage . . . . .       | [\$ 8.00] | <u>\$15.00</u> |
| 23 | For a marginal notation of the discharge of          |           |                |
| 24 | a mortgage in counties where mortgages are           |           |                |
| 25 | indexed under a system requiring a duplication       |           |                |
| 26 | of indices and description . . . . .                 | [\$ 3.00] | <u>\$ 5.00</u> |
| 27 | For filing and recording notice of federal           |           |                |
| 28 | tax lien or other federal lien or certificate        |           |                |
| 29 | discharging such lien . . . . .                      | [\$ 8.00] | <u>\$20.00</u> |
| 30 | <u>For filing a notice of settlement. . . . .</u>    |           | <u>\$15.00</u> |
| 31 | For filing each map, plat, plan or chart             |           |                |
| 32 | (except when presented by the State or               |           |                |
| 33 | its agencies or filed pursuant to paragraph          |           |                |
| 34 | (c) of section 2 of P.L.1957, c.130                  |           |                |
| 35 | (C.48:3-17.3)) . . . . .                             | [\$18.00] | <u>\$50.00</u> |
| 36 | For recording tax sale certificate, except           |           |                |
| 37 | by municipalities, or a redemption or assignment     |           |                |
| 38 | of tax sale certificate, first page . . . . .        | [\$15.00] | <u>\$25.00</u> |
| 39 | Each additional page or part thereof . . . . .       | [\$ 2.00] | <u>\$ 5.00</u> |
| 40 | Certified copy of veteran's discharge . . . . .      |           | \$ 1.00        |
| 41 | For indexing any recorded instrument                 |           |                |
| 42 | in excess of [10] <u>5</u> parties, per each name    |           |                |
| 43 | in excess of [10] <u>5</u> . . . . .                 | [\$ 0.30] | <u>\$ 1.00</u> |
| 44 | For recording tax sale certificate, lien,            |           |                |
| 45 | deed, or related instrument by a                     |           |                |
| 46 | municipality . . . . .                               |           | \$ 3.00        |

1 For recording vacations or dedications of roads,  
2 first page . . . . . \$25.00  
3 Each additional page or part thereof . . . . . \$ 5.00  
4 For disclaimers . . . . . \$10.00  
5 For reimbursement agreements . . . . . No fee  
6 (cf: P.L.1997, c.412, s.6)

7  
8 5. N.J.S.22A:4-8 is amended to read as follows:  
9 22A:4-8. For the services hereinafter enumerated sheriffs and other  
10 officers shall receive the following fees:

11 In addition to the mileage allowed by law, for serving every  
12 summons and complaint, attachment or any mesne process issuing out  
13 of the Superior Court, the sheriff or other officer serving such process  
14 shall, for the first defendant or party on whom such process is served,  
15 be allowed ~~[\$12.00]~~ \$22.00 and, for service on the second defendant  
16 named therein, ~~[\$10.00]~~ \$20.00, and for serving such process on any  
17 other defendant or defendants named therein, ~~[\$6.00]~~ \$16.00 each, and  
18 no more. If a man and his wife be named in such process they shall be  
19 considered as one defendant, except where they are living separate and  
20 apart.

21 Serving summons and complaint in matrimonial actions, in addition  
22 to mileage, ~~[\$12.00]~~ \$22.00.

23 Serving capias ad respondendum, capias ad satisfaciendum, warrant  
24 of commitment, writ of ne exeat, in addition to mileage, ~~[\$35.00]~~  
25 \$48.00.

26 Serving order to summon juries and return, ~~[\$1.75]~~ \$8.00.

27 Serving every execution against goods or lands and making an  
28 inventory and return, in addition to mileage, ~~[\$35.00]~~ \$48.00.

29 For returning every writ, ~~[\$1.00]~~ \$2.00.

30 Executing every writ of possession and return, in addition to  
31 mileage, ~~[\$35.00]~~ \$48.00.

32 Executing every writ of attachment, sequestration or replevin  
33 issuing out of any of the courts, in addition to mileage, ~~[\$35.00]~~  
34 \$48.00.

35 For serving each out-of-State paper, in addition to the mileage  
36 allowed by law, ~~[\$15.00]~~ \$25.00 for the first defendant on whom such  
37 paper is served, ~~[\$10.00]~~ \$20.00 for service on the second defendant  
38 named therein, and ~~[\$6.00]~~ \$16.00 for serving such paper on any other  
39 defendant or defendants named therein. If a man and wife be named in  
40 such paper, they shall be considered as one defendant, except where  
41 they are living separate and apart.

42 For serving or executing any process or papers where mileage is  
43 allowed by law, the officer shall receive mileage actually traveled to  
44 and from the courthouse, at the rate per mile of \$0.16.

45 The sheriff shall be entitled to retain out of all moneys collected or  
46 received by him on a forfeited recognizance, whether before or after



1 execution, or from amercements, or from fines and costs on  
2 conviction, on indictment or otherwise, whether such moneys are  
3 payable to the State or to the county treasurer of the county wherein  
4 conviction was had, 5%.

5 For transporting each offender to the State Prison, per mile, but not  
6 less than \$3.00 for each offender, to be certified by the keeper of the  
7 prison and the certificate to be delivered to the county treasurer of the  
8 county where the conviction was had, \$0.23.

9  
10 EXECUTION SALES

11  
12 When a sale is made by virtue of an execution the sheriff shall be  
13 entitled to charge the following fees: On all sums not exceeding  
14 \$5,000.00, [~~4%~~] 6%; on all sums exceeding \$5,000.00 on such excess,  
15 [~~2 1/2%~~] 4%; the minimum fee to be charged for a sale by virtue of an  
16 execution, [~~\$20.00~~] \$50.00.

17 On an execution against wages, commissions and salaries, the  
18 sheriff shall charge the same percentage fees on all sums collected as  
19 those percentage fees applicable in cases wherein an execution sale is  
20 consummated.

21 When the execution is settled without actual sale and such  
22 settlement is made manifest to the officer, the officer shall receive 1/2  
23 of the amount of percentage allowed herein in case of sale.

24 Making statement of execution, sales and execution fees, [~~\$5.00~~]  
25 \$10.00.

26 Advertising the property for sale, provided the sheriff or deputy  
27 sheriff attend in pursuance of the advertisement, [~~\$10.00~~] \$20.00.

28 Posting property for sale, [~~\$7.00~~] \$20.00.

29 For the crier of the vendue, when the sheriff proceeds to sell, for  
30 every day he shall be actually employed in such sale, [~~\$3.00~~] \$5.00.

31 Every adjournment of a sale, but no more than one adjournment  
32 shall be allowed, and if the sheriff shall have several executions against  
33 a defendant, he shall only be allowed for advertising, attending and  
34 adjourning, as if he had but one execution, [~~\$20.00~~] \$28.00.

35 Drawing and making a deed to a purchaser of real property,  
36 [~~\$35.00~~] \$75.00.

37 Drawing and making a bill of sale to the purchaser of personal  
38 property when such bill of sale is required or demanded, [~~\$15.00~~]  
39 \$20.00.

40 When more than one execution shall be issued out of the Superior  
41 Court upon any judgment, each sheriff to whom such execution shall  
42 be directed and delivered shall be entitled to collect and receive from  
43 the defendant named in such execution the fees allowed by law for  
44 making a levy and return and statement thereon, or for such other  
45 services as may be actually performed by him, and the sheriff who shall  
46 collect the amount named in said execution or any part thereof, shall

1 be entitled to the legal percentage upon whatever amount may be so  
2 collected by him, but in case any such judgment shall be settled  
3 between the parties and the amount due thereon shall not be collected  
4 by either sheriff, then the percentage on the amount collected which  
5 would be due the sheriff thereon in case only one execution had been  
6 issued shall be equally divided among the several sheriffs in whose  
7 hands an execution in the same cause may have been placed.

8 The sheriff shall file his taxed bill of costs with the clerk of the  
9 court out of which execution issued, within such time as the court shall  
10 direct by general rule or special order, or, in default thereof, he shall  
11 not be entitled to any costs. If any sheriff shall charge in such bill of  
12 costs for services not done, or allowed by law, or shall take any  
13 greater fee or reward for any services by him done than is or shall be  
14 allowed by law, he shall be liable for the damages sustained by the  
15 party aggrieved including a penalty of \$30.00, to be recovered in a  
16 summary manner, in the action or proceeding wherein the execution  
17 was issued or otherwise.

18 (cf: P.L.1991, c.91, s.275).

19

20 6. (New section) The county treasurer shall be responsible for all  
21 fees received by or deposited with the county sheriff pursuant to  
22 N.J.S.22A:4-8. The county sheriff shall account to the county  
23 treasurer for all these fees. The county treasurer shall deposit into a  
24 trust fund dedicated to the sheriff's office \$2.00 of each fee over the  
25 amount of \$3.00 received for a service enumerated in N.J.S.22A:4-8.  
26 Such sums shall be deposited within 10 days of receipt by the county  
27 treasurer. Monies received by the county sheriffs pursuant to the  
28 provisions of this section shall be used to upgrade and modernize the  
29 services provided by their offices. As used in this section, "to upgrade  
30 and modernize the services" shall not include the costs associated with  
31 employing personnel and shall not include offset of existing salary or  
32 new positions. These monies shall not be used for budgetary reduction  
33 by the counties.

34

35 7. N.J.S.22A:4-17 is amended to read as follows:

36 22A:4-17. All fees, costs, allowances, percentages and other  
37 perquisites of whatever kind which surrogates, county clerks in their  
38 several capacities, registers of deeds and mortgages, and sheriffs or  
39 persons employed in their offices are entitled to charge and receive for  
40 any official acts or services they may render shall be for the sole use  
41 of the county and shall be accounted for regularly to the county  
42 treasurer; however, such monies shall be utilized to increase the  
43 salaries of surrogates, county clerks, registers of deeds and mortgages  
44 and sheriffs.

45 Such accounting shall be made on or before the fifteenth day of  
46 each month on form blanks supplied by the county treasurer. The

1 statement of account shall clearly set forth all sums charged or taxed  
2 or which shall have accrued or become payable during the preceding  
3 month. Such statements shall be made under oath and filed in the  
4 office of the county treasurer as public records.

5 Such statements when received by the county treasurer shall be  
6 forthwith audited by the county auditor or other proper officer.

7 On or before the twentieth day of each month surrogates, county  
8 clerks, registers of deeds and mortgages, and sheriffs shall pay over  
9 the amount of such fees and moneys to the county treasurer and such  
10 officers shall be personally liable to the county for such fees and  
11 moneys.

12 The penalty for each day's neglect to file the required statement of  
13 account or to pay over such moneys shall be one hundred dollars  
14 (\$100.00) to be recovered in the name of the board of chosen  
15 freeholders of the county in a civil action in the Superior Court, and  
16 said officers may also be proceeded against by proceeding in lieu of  
17 prerogative writ.

18 (cf: P.L.1991, c.91, s.276)

19

20 8. Section 4 of P.L.1988, c.109 (C.22A:4-17.2) is amended to read  
21 as follows:

22 4. a. The county treasurer shall return to the county surrogate  
23 \$2.00 of each fee received for the probate of a will; for the grant of  
24 general administration; for the grant of letters of guardianship [for a  
25 minor and]; for the grant of letters of trusteeship for the filing of  
26 inventories; for the filing of accountings; and for any other proceeding  
27 filed, recorded or issued in the surrogate's court. Such sums shall be  
28 returned within 10 days of receipt by the county treasurer.

29 b. Monies received by the county surrogates pursuant to the  
30 provisions of subsection a. of this section shall be used to upgrade and  
31 modernize the services provided by their offices. These monies shall  
32 not be used for budgetary reduction by the counties.

33 (cf: P.L.1988, c.109, s.4)

1 9. N.J.S.40A:9-76 is amended to read as follows:

2 40A:9-76. The board of chosen freeholders in each county, by  
3 resolution, shall fix the annual salary of the county clerk [as follows:

4 In counties having a population in excess of 600,000, not less than  
5 \$24,000.00 or more than the board of chosen freeholders may by  
6 resolution duly authorize per annum;

7 In counties having a population in excess of 400,000, but not more  
8 than 600,000, not less than \$21,000.00, or more than the board of  
9 chosen freeholders may by resolution duly authorize per annum;

10 In counties having a population in excess of 190,000, but not more  
11 than 400,000, not less than \$18,000.00 or more than the board of  
12 chosen freeholders may by resolution duly authorize per annum;

13 In counties having a population of 190,000 or less, not less than  
14 \$15,000.00 or more than the board of chosen freeholders may by  
15 resolution duly authorize per annum.]in an amount equal to not less  
16 than seventy-five percent (75%) of the annual salary of a Judge of the  
17 Superior Court. Nothing in this section shall be construed to require  
18 that a county clerk whose annual salary exceeds the amount provided  
19 for herein shall be reduced, or that a board of chosen freeholders may  
20 not increase the salary of a county clerk in excess of the amount  
21 provided for herein.

22 Nothing in this section shall authorize the fixing of the salary of any  
23 person holding the office of county clerk at any amount less than that  
24 now payable pursuant to law, so long as the said person shall hold  
25 such office during the present and any consecutively ensuing term or  
26 terms, nor shall anything in this section authorize the payment of any  
27 salary for which a range is established in an amount less than the  
28 minimum of said range.

29 The salary of said officer shall be paid by the proper county  
30 disbursing officer in the same manner as county officers and employees  
31 are paid.

32 (cf: P.L.1974, c.153, s.1)

33

34 10. N.J.S.40A:9-92 is amended to read as follows:

35 40A:9-92. The board of chosen freeholders in each county, by  
36 resolution, shall fix the annual salary of the register of deeds and  
37 mortgages [as follows:

38 In counties having a population in excess of 600,000, not less than  
39 \$24,000.00 or more than the board of chosen freeholders may by  
40 resolution duly authorize per annum;

41 In counties having a population in excess of 400,000, but not more  
42 than 600,000, not less than \$21,000.00 or more than the board of  
43 chosen freeholders may by resolution duly authorize per annum;

44 In counties having a population in excess of 190,000, but not more  
45 than 400,000, not less than \$18,000.00 or more than the board of  
46 chosen freeholders may by resolution duly authorize per annum;

1 In counties having a population of 190,000 or less, not less than  
2 \$15,000.00 or more than the board of chosen freeholders may by  
3 resolution duly authorize per annum. in an amount equal to not less  
4 than seventy-five percent (75%) of the annual salary of a Judge of the  
5 Superior Court. Nothing in this section shall be construed to require  
6 that a register whose annual salary exceeds the amount provided for  
7 herein shall be reduced, or that a board of chosen freeholders may not  
8 increase the salary of a register in excess of the amount provided for  
9 herein.

10 Nothing in this section shall authorize the fixing of the salary of any  
11 person holding the office of register of deeds and mortgages at any  
12 amount less than that now payable pursuant to law, so long as the said  
13 person shall hold such office during the present and any consecutively  
14 ensuing term or terms, nor shall anything in this section authorize the  
15 payment of any salary for which a range is established in an amount  
16 less than the minimum of said range.

17 The salary of said officer shall be paid by the proper county  
18 disbursing officer in the same manner as county officers and employees  
19 are paid.

20 (cf: P.L.1974, c.153, s.2)

21  
22 11. N.J.S.40A:9-104 is amended to read as follows:

23 40A:9-104. The board of chosen freeholders in each county, by  
24 resolution, shall fix the annual salary of the sheriff [as follows:

25 In counties having a population in excess of 600,000, not less than  
26 \$24,000.00 or more than the board of chosen freeholders may by  
27 resolution duly authorize per annum;

28 In counties having a population in excess of 400,000, but not more  
29 than 600,000, not less than \$21,000.00 or more than the board of  
30 chosen freeholders may by resolution duly authorize per annum;

31 In counties having a population in excess of 190,000, but not more  
32 than 400,000, not less than \$18,000.00 or more than the board of  
33 chosen freeholders may by resolution duly authorize per annum;

34 In counties having a population of 190,000 or less, not less than  
35 \$15,000.00 or more than the board of chosen freeholders may by  
36 resolution duly authorize per annum. in an amount equal to not less  
37 than seventy-five percent (75%) of the annual salary of a Judge of the  
38 Superior Court. Nothing in this section shall be construed to require  
39 that a sheriff whose annual salary exceeds the amount provided for  
40 herein shall be reduced, or that a board of chosen freeholders may not  
41 increase the salary of a sheriff in excess of the amount provided for  
42 herein.

43 Nothing in this section shall authorize the fixing of the salary of any  
44 person holding the office of sheriff at any amount less than that now  
45 payable pursuant to law, so long as the said person shall hold such  
46 office during the present and any consecutively ensuing term or terms,

1 nor shall anything in this section authorize the payment of any salary  
2 for which a range is established in an amount less than the minimum  
3 of said range.

4 The salary of said officer shall be paid by the proper county  
5 disbursing officer in the same manner as county officers and employees  
6 are paid.

7 (cf: P.L.1974, c.153, s.3)

8

9 12. R.S.56:3-16 is amended to read as follows:

10 56:3-16. The registration of names, marks or other devices shall be  
11 by filing in the office of the [clerk of the county in which the principal  
12 office of the person or corporation seeking registration is situated and  
13 in the office of the] Secretary of State, descriptions of such names,  
14 marks or other devices. If the applicant for registration has no  
15 principal office in this State the names, marks or other devices may be  
16 registered by filing descriptions thereof in the office of the [clerk of  
17 any county in which the applicant does business and in the office of  
18 the] Secretary of State.

19 For each filing as herein provided the Secretary of State shall  
20 receive a fee of \$20.00 [and the county clerk shall receive a fee of  
21 \$5.00].

22 (cf: P.L.1991, c.91, s.276)

23

24 13. This act shall take effect immediately.

25

26

27

#### STATEMENT

28

29 This bill would increase fees paid to county clerks, sheriffs,  
30 surrogates and other officers for enumerated services. These fee  
31 increases would enhance county revenues and more accurately reflect  
32 the costs incurred in providing these services. The bill would establish  
33 some additional fees for the processing of documents and the provision  
34 of services such as the faxing of documents, which are not presently  
35 set statutorily. The bill would also eliminate certain archaic references  
36 involving filing fees.

37 Additionally, the bill provides that \$2.00 of each fee collected over  
38 the amount of \$3.00 for services enumerated in N.J.S.22A:4-8 would  
39 be remitted to the county sheriffs to be used to upgrade and modernize  
40 the services provided by their offices. Currently, monies received for  
41 the enumerated services go to the county treasury. The bill would  
42 require that the remittance be made within ten days of receipt by the  
43 county treasurer. This language is patterned after language contained  
44 in section 7 of P.L.1985, c.422 (C.22A:4-17.1) pertaining to county  
45 clerks or registers of deeds and mortgages. This bill specifies that "to  
46 upgrade and modernize the services" provided by the sheriff's office

1 shall not include the costs associated with employing personnel.

2 The bill would set the salaries for surrogates, county clerks,  
3 registers of deeds and mortgages and sheriffs in an amount equal to  
4 not less than seventy-five percent (75%) of the annual salary of a  
5 Judge of the Superior Court. It would be within the discretion of the  
6 county board of chosen freeholders to increase a salary in excess of the  
7 amount provided for herein, however, an annual salary that exceeds  
8 the amount provided for herein could not be reduced. The bill would  
9 allow county boards of chosen freeholders to utilize fee monies for the  
10 purpose of increasing the salaries of surrogates, county clerks,  
11 registers of deeds and mortgages and sheriffs. Current law provides  
12 that, except for certain amounts that are dedicated for the purpose of  
13 upgrading and modernizing the services provided by county clerks,  
14 registers of deeds and mortgages and surrogates, fee revenues are for  
15 the sole use of the county.

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 553**

---

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

---

ADOPTED NOVEMBER 9, 2000

**Sponsored by:**

**Senator JAMES S. CAFIERO**

**District 1 (Cape May, Atlantic and Cumberland)**

**Co-Sponsored by:**

**Senators Bennett and Ciesla**

**SYNOPSIS**

Revises fees and salaries of county clerks, registers of deeds and mortgages, sheriffs and surrogates, and use of fees to upgrade and modernize services of sheriffs' offices, pay salary increases and reduce county tax levies.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate Budget and Appropriations Committee.





1 **AN ACT** concerning certain fees and salaries of county clerks, sheriffs,  
2 surrogates and other officers, amending and supplementing Title  
3 22A of the New Jersey Statutes and amending various parts of the  
4 statutory law.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 1. N.J.S.2B:14-3 is amended to read as follows:

10 2B:14-3. Salaries of Surrogates. **[Each]** The board of chosen  
11 freeholders in each county shall fix the Surrogate's annual salary by  
12 resolution in an amount equal to not less than sixty-five percent (65%)  
13 of the annual salary of a Judge of the Superior Court which shall not  
14 be diminished during the term of office or during any consecutive  
15 terms served by the Surrogate. Nothing in this section shall be  
16 construed to require that a surrogate whose annual salary exceeds the  
17 amount provided for herein shall be reduced, or that a board of chosen  
18 freeholders may not increase the salary of a surrogate in excess of the  
19 amount provided for herein.

20 (cf: N.J.S.2B:14-3)

21

22 2. N.J.S.22A:2-29 is amended to read as follows:

23 22A:2-29. Upon the filing, indexing, entering or recording of the  
24 following documents or papers in the office of the county clerk or  
25 deputy clerk of the Superior Court, such parties, filing or having the  
26 same recorded or indexed in the county clerk's office or with the  
27 deputy clerk of the Superior Court in the various counties in this State  
28 in all civil or criminal causes, shall pay the following fees in lieu of the  
29 fees heretofore provided for the filing, recording or entering of such  
30 documents or papers:

31 In general--

|                                                  |                                |
|--------------------------------------------------|--------------------------------|
| 32 Issuing county clerk's certificate,           |                                |
| 33 any instrument.....                           | <b>[\$3.00]</b> <u>\$ 5.00</u> |
| 34 Comparing and making copies,                  |                                |
| 35 per sheet .....                               | <b>[\$3.00]</b> <u>\$2.00</u>  |
| 36 Copies of all papers, typing and comparing of |                                |
| 37 photostat, per page .....                     | <b>[\$1.50]</b> <u>\$ 2.00</u> |
| 38 Marking as a true copy, any instrument .....  | <b>[\$1.50]</b> <u>\$ 2.00</u> |
| 39 Exemplification, any instrument .....         | <b>[\$7.50]</b> <u>\$10.00</u> |
| 40 Plus \$1.00 per page of instrument.           |                                |
| 41 Recording or filing all instruments not       |                                |
| 42 herein stated .....                           | \$7.50                         |

**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 underlined thus is new matter.

SCS for S553 CAFIERO

|    |                                                               |                   |
|----|---------------------------------------------------------------|-------------------|
| 1  | Bonds, bail, recognizances--                                  |                   |
| 2  | Recording all official bonds with acknowledgment and          |                   |
| 3  | proof of the execution thereof .....                          | \$9.00            |
| 4  | Filing and entering recognizance or civil bail .....          | \$9.00            |
| 5  | Filing discharge, attachment bond .....                       | \$9.00            |
| 6  | Filing satisfaction or order discharging                      |                   |
| 7  | recognizance or civil bail .....                              | \$9.00            |
| 8  | Filing and recording filiation bond .....                     | \$9.00            |
| 9  | Filing satisfaction of or order discharging                   |                   |
| 10 | filiation bond.....                                           | \$9.00            |
| 11 | Recording or discharging sheriff's bond .....                 | \$9.00            |
| 12 | Nonbusiness corporation, recording:                           |                   |
| 13 | Certificates of incorporation of [corporations                |                   |
| 14 | and associations not-for-profit, and of societies,            |                   |
| 15 | clubs, credit unions,] churches, religious societies          |                   |
| 16 | and congregations .....                                       | [\$15.00] \$25.00 |
| 17 | Amendments to certificates of incorporation[,                 |                   |
| 18 | all corporations] <u>of churches, religious societies and</u> |                   |
| 19 | <u>congregations</u> , recording .....                        | [\$15.00] \$25.00 |
| 20 | [All other corporate certificates, recording ...              | \$9.00]           |
| 21 | Bank merger agreements, recording:                            |                   |
| 22 | [Three sheets or less] <u>First sheet</u> .....               | [\$15.00] \$25.00 |
| 23 | Each <u>additional</u> sheet [over three].....                | [\$ 3.00] \$ 5.00 |
| 24 | Certificates, each .....                                      | [\$ 3.00] \$ 5.00 |
| 25 | Tradenames, firms, partnerships:                              |                   |
| 26 | Certificate of name, filing (see R.S.56:1-1                   |                   |
| 27 | et seq.) .....                                                | [\$30.00] \$50.00 |
| 28 | Certificate of dissolution of tradename                       |                   |
| 29 | (see R.S.56:1-6 et seq.) .....                                | [\$ 9.00] \$25.00 |
| 30 | <u>Partnership agreement (see R.S.42:1-1 et seq.)</u> .....   | \$50.00           |
| 31 | [Bottles, et cetera, description                              |                   |
| 32 | (see R.S.56:3-14 et seq.) .....                               | \$ 4.50]          |
| 33 | Building and loan or savings and loan associations:           |                   |
| 34 | Change of name .....                                          | [\$15.00] \$25.00 |
| 35 | Dissolution .....                                             | [\$ 9.00] \$25.00 |
| 36 | Certificates for limited-dividend housing                     |                   |
| 37 | associations, recording:                                      |                   |
| 38 | <u>First page</u> .....                                       | [\$15.00] \$20.00 |
| 39 | <u>Each additional page</u> .....                             | \$ 5.00           |
| 40 | Certificates for urban renewal associations,                  |                   |
| 41 | recording:                                                    |                   |
| 42 | <u>First page</u> .....                                       | [\$15.00] \$20.00 |
| 43 | <u>Each additional page</u> .....                             | \$ 5.00           |

SCS for **S553** CAFIERO

|    |                                                     |                          |
|----|-----------------------------------------------------|--------------------------|
| 1  | Judgments, et cetera--                              |                          |
| 2  | Recording judgments.....                            | [\$ 9.00] <u>\$15.00</u> |
| 3  | Filing, entering and recording judgment on bond     |                          |
| 4  | and warrant by attorney .....                       | \$37.50                  |
| 5  | Certificate for docketing Superior Court            |                          |
| 6  | transcript.....                                     | \$ 9.00                  |
| 7  | Recording assignment of judgment .....              | \$15.00                  |
| 8  | Issuing transcript of judgment .....                | \$ 7.50                  |
| 9  | Filing or entering on the record of discharge,      |                          |
| 10 | cancellation, release or satisfaction of a judgment |                          |
| 11 | by satisfaction piece, execution returned satisfied |                          |
| 12 | or otherwise .....                                  | [\$ 7.50] <u>\$15.00</u> |
| 13 | For recording and indexing postponement of the lien |                          |
| 14 | of judgment .....                                   | [\$15.00] <u>\$20.00</u> |
| 15 | Execution on judgment:                              |                          |
| 16 | Issuing warrant on court order .....                | \$ 9.00                  |
| 17 | Drawing execution .....                             | \$ 9.00                  |
| 18 | Recording execution .....                           | \$ 9.00                  |
| 19 | Warrant for satisfaction .....                      | \$ 6.00                  |
| 20 | Writ of attachment .....                            | \$ 9.00                  |
| 21 | Writ of possession .....                            | \$ 9.00                  |
| 22 | Writ of sequestration .....                         | \$ 9.00                  |
| 23 | Discharge of writ .....                             | \$ 9.00                  |
| 24 | Mandate .....                                       | \$15.00                  |
| 25 |                                                     |                          |
| 26 | Liens--                                             |                          |
| 27 | Filing, indexing and recording mechanic's           |                          |
| 28 | lien claim .....                                    | \$ 9.00                  |
| 29 | Recording, filing and noting on the record          |                          |
| 30 | the discharge, release or satisfaction of           |                          |
| 31 | a mechanic's lien claim .....                       | \$ 9.00                  |
| 32 | Extension of lien claim .....                       | \$ 3.00                  |
| 33 | Filing statement in mechanic's lien                 |                          |
| 34 | proceeding.....                                     | \$ 9.00                  |
| 35 | Filing, recording and indexing mechanic's           |                          |
| 36 | notice of intention.....                            | \$ 4.50                  |
| 37 | Filing a certificate discharging a mechanic's       |                          |
| 38 | notice of intention and noting the discharge        |                          |
| 39 | on the record thereof .....                         | \$ 4.50                  |
| 40 | Filing certificate from court of commencement       |                          |
| 41 | of suit.....                                        | \$ 4.50                  |
| 42 | Filing a court order amending a mechanic's          |                          |
| 43 | notice of intention .....                           | \$ 9.00                  |
| 44 | <u>Construction lien .....</u>                      | <u>\$ 15.00</u>          |
| 45 | <u>Notice of unpaid balance, discharge .....</u>    | <u>\$ 15.00</u>          |
| 46 | <u>Notation .....</u>                               | <u>\$ 5.00</u>           |

SCS for **S553 CAFIERO**

|    |                                                      |                          |
|----|------------------------------------------------------|--------------------------|
| 1  | <u>Bond</u> .....                                    | \$ 25.00                 |
| 2  | Filing a court order to discharge notice             |                          |
| 3  | of intention and noting the discharge on             |                          |
| 4  | the record thereof .....                             | [\$ 9.00] <u>\$15.00</u> |
| 5  | Filing, recording and indexing stop                  |                          |
| 6  | notice .....                                         | \$ 4.50                  |
| 7  | Filing a certificate discharging a stop              |                          |
| 8  | notice and noting the discharge on                   |                          |
| 9  | the record thereof .....                             | \$ 4.50                  |
| 10 | Filing a court order discharging                     |                          |
| 11 | a stop notice and noting the discharge on the record |                          |
| 12 | thereof .....                                        | \$ 9.00                  |
| 13 | Filing building contract .....                       | [\$15.00] <u>\$25.00</u> |
| 14 | Filing discharge of building contract .....          | [\$ 9.00] <u>\$15.00</u> |
| 15 | <u>Notation</u> .....                                | \$ 5.00                  |
| 16 | Filing building specifications .....                 | [\$ 7.50] <u>\$25.00</u> |
| 17 | Filing building plans .....                          | [\$ 7.50] <u>\$25.00</u> |
| 18 | Filing each notice of physician's lien .....         | [\$ 4.50] <u>\$15.00</u> |
| 19 | Entering upon the record the discharge               |                          |
| 20 | of a physician's lien.....                           | [\$ 4.50] <u>\$15.00</u> |
| 21 | Filing each hospital lien claim .....                | [\$ 4.50] <u>\$15.00</u> |
| 22 | Discharge of hospital lien.....                      | [\$ 4.50] <u>\$15.00</u> |
| 23 | Filing satisfaction or order for discharge           |                          |
| 24 | of attachment.....                                   | [\$ 9.00] <u>\$15.00</u> |
| 25 | Recording collateral inheritance                     |                          |
| 26 | waiver or receipt .....                              | [\$ 9.00] <u>\$15.00</u> |
| 27 | Recording inheritance tax waiver .....               | [\$ 9.00] <u>\$15.00</u> |
| 28 | Subordination, release, partial release              |                          |
| 29 | or postponement of a lien to                         |                          |
| 30 | lien of mortgage .....                               | [\$ 7.50] <u>\$20.00</u> |
| 31 | <u>Notation</u> .....                                | \$ 5.00                  |
| 32 |                                                      |                          |
| 33 | Commissions and oaths--                              |                          |
| 34 | Administering oaths to notaries public and           |                          |
| 35 | commissioners of deeds.....                          | [\$ 7.50] <u>\$15.00</u> |
| 36 | For issuing certificate of authority of              |                          |
| 37 | notary to take proof, acknowledgment of              |                          |
| 38 | affidavit.....                                       | [\$ 3.00] <u>\$ 5.00</u> |
| 39 | For issuing each certificate of the commission       |                          |
| 40 | and qualification of notary public for filing        |                          |
| 41 | with other county clerks .....                       | [\$ 6.00] <u>\$15.00</u> |
| 42 | For filing each certificate of the commission        |                          |
| 43 | and qualification of notary public, in office        |                          |
| 44 | of county clerk of county other than where           |                          |
| 45 | such notary has qualified.....                       | [\$ 6.00] <u>\$15.00</u> |

SCS for S553 CAFIERO

|    |                                                        |                          |
|----|--------------------------------------------------------|--------------------------|
| 1  | Miscellaneous--                                        |                          |
| 2  | Filing and recording proceedings for laying            |                          |
| 3  | out, vacating or dedicating roads.....                 | [\$15.00] <u>\$25.00</u> |
| 4  | Recording firemen's certificates .....                 | No charge.               |
| 5  | Registering physician .....                            | [\$15.00] <u>\$25.00</u> |
| 6  | Issuing alcoholic beverage identification              |                          |
| 7  | card .....                                             | [\$ 6.00] <u>\$10.00</u> |
| 8  | <u>Issuing of nonalcoholic beverage identification</u> |                          |
| 9  | <u>card to persons under twenty-one years</u>          |                          |
| 10 | <u>of age.....</u>                                     | <u>\$10.00</u>           |
| 11 | (cf: P.L.1985, c.422, s.4)                             |                          |

12

13 3. N.J.S.22A:2-30 is amended to read as follows:

14 22A:2-30. Fees of surrogate and deputy clerk of the Superior

15 Court.

16 Fees for services of the surrogate and deputy clerk of the Superior

17 Court enumerated below shall be as follows and shall be for the use of

18 the county in which the fees are collected:

19

20 **PROBATE OF WILLS AND COPIES**

21

22 Probate of a will of not more than two pages, **[\$50.00] \$100.00.**

23 Each additional page, \$ 5.00.

24

25 The above fee is for all services in preparation and execution of

26 complaint, filing proof of death, deposition of one witness,

27 qualification of executor, filing power of attorney, surrogate's

28 certificate, judgment for probate, letters testamentary, plain copy of

29 will, binding, recording, microfilming or photostating, comparing,

30 docketing, report to the Division of Taxation in the Department of the

31 Treasury, report and transmission to the Clerk of the Superior Court.

32

33 Probate of will of not more than two pages without letters,

34 **[\$35.00] \$50.00.** Each additional page, \$ 5.00. This fee is for the

35 same services as are enumerated in the preceding paragraph, except

36 letters, surrogate's certificate and qualification of executor.

37

38 Probate of each codicil, not exceeding one page, **[\$15.00] \$25.00.**

39

40 Where codicil requires an additional witness, **[\$3.00] \$5.00.**

41

42 To reopen probate proceedings for qualification of executor or

43 taking proof of extra witness, **[\$15.00] \$25.00.**

44

45 One witness in the above probate proceedings, no charge.

SCS for **S553** CAFIERO

7

1 Each additional witness, [~~\$3.00~~] \$5.00.

2

3 Recording and comparing, microfilming or photostating, each  
4 additional page of will or codicil, [~~\$3.00~~] \$5.00.

5

6 Filing, entering, issuing and recording, microfilming or  
7 photostating, proceedings in commission for deposition of foreign  
8 witness to a will or codicil, [~~\$20.00~~] \$35.00. Plain extra copy of will,  
9 \$3.00 for each page.

10

11 Certified extra copy of will, [~~\$3.00~~] \$5.00 for each page, plus  
12 [~~\$3.00~~] \$5.00 for certificate.

13

14 Certified copy of will with proofs for New Jersey county, not  
15 exceeding two pages including will and codicil, [~~\$20.00~~] \$50.00. For  
16 pages in excess of two, [~~\$3.00~~] \$5.00 for each page.

17

18 Wills filed but not probated (as, where there are no assets), \$10.00  
19 for first two pages, \$5.00 for each additional page, [~~\$4.00~~] \$5.00 for  
20 cover letter stating no assets, \$5.00 for death certificate.

21

22 Exemplifying will for another state, not exceeding two pages  
23 including will and codicil, plus cost of certificate of Secretary of State  
24 when requisite, [~~\$25.00~~] \$75.00 (not including \$9.00 fee for  
25 exemplified forms). For pages in excess of two, [~~\$3.00~~] \$5.00 for  
26 each page.

27

28 Recording, microfilming or photostating, docketing, indexing, filing  
29 and reporting to the Division of Taxation in the Department of the  
30 Treasury an exemplified copy of will and probate proceedings from  
31 another state, [~~\$3.00~~] \$5.00 for each page.

32

33 Recording, microfilming or photostating, docketing, indexing and  
34 filing a certified copy of will with proofs from New Jersey, [~~\$3.00~~]  
35 \$5.00 for each page.

36

37 Recording, microfilming or photostating certified transcripts of  
38 wills admitted to probate and probate proceedings or letters of  
39 administration and administration proceedings granted by the Superior  
40 Court, [~~\$3.00~~] \$5.00 for each page.

41

42 LETTERS OF TRUSTEESHIP

43

44 Acceptance of trustee and letters of trusteeship, including one  
45 certificate, [~~\$25.00~~] \$50.00.

1 LETTERS OF ADMINISTRATION

2  
3 General administration, including preparation and execution of  
4 complaint, bond, surety affidavits, necessary recording, microfilming  
5 or photostating, indexing, filing, report to the Division of Taxation,  
6 including power of attorney and death certificate, in the Department  
7 of the Treasury and the Clerk of the Superior Court and original letters  
8 including authorization to accept service of process and death  
9 certificate, [\$40.00] \$125.00, and for other documents, \$5.00 per  
10 page.

11  
12 Administration ad prosequendum, [\$25.00] \$50.00, and for other  
13 documents, \$5.00 per page.

14  
15 Exemplifying administration, [\$20.00] \$75.00.

16  
17 Certified copy of administration, [\$15.00] \$50.00.

18  
19 Affidavits of surviving spouse or next of kin where the value of the  
20 real and personal assets of the estate does not exceed [\$10,000.00]  
21 \$20,000.00 or [\$5,000.00] \$10,000.00, respectively, [when less than  
22 \$100.00, \$2.00 and \$2.00] \$5.00 for each \$100.00 or part thereof  
23 [, in excess of \$100.00]. Total cost shall not exceed [\$25.00] \$50.00.  
24 This fee is waived where the value of the assets of the estate does not  
25 exceed \$200.00.

26  
27 [Affidavit of heir where the value of the real and personal assets of  
28 the estate does not exceed \$5,000.00, \$10.00.]

29  
30 LETTERS OF GUARDIANSHIP

31  
32 Granting letters of guardianship, acceptance of guardianship and  
33 filing of power of attorney, [\$20.00] \$50.00.

34  
35 Affidavits of estates of minors where value of real and personal  
36 estate does not exceed \$5,000.00, [\$3.00] \$5.00 per page.

37  
38 Miscellaneous petitions and orders, [\$3.00] \$5.00 per page.

39  
40 INVENTORIES

41  
42 For all services in appointment of appraisers, [\$10.00] \$25.00.

43  
44 Filing, entering and recording, microfilming or photostating,  
45 inventory and appraisal, not exceeding one page, and affidavits of

1 appraisers and executor, [~~\$15.00~~] \$25.00.

2 For each additional page, [~~\$3.00~~] \$5.00.

3

4

ACCOUNTING

5

6 For filing complaint and one page of accounting, \$175.00.

7

8 For auditing, stating, reporting and recording, microfilming or  
9 photostating, accounts of executors, administrators, guardians,  
10 trustees and assignees, including drawing judgment, but exclusive of  
11 advertising costs:

12 In estates up to and including \$2,000.00, [~~\$50.00~~] no additional  
13 fee.

14 In estates from \$2,001.00 to and including \$10,000.00, [~~\$70.00~~]  
15 \$100.00.

16 In estates from \$10,001.00 to and including \$30,000.00, [~~\$85.00~~]  
17 \$125.00.

18 In estates from \$30,001.00 to and including \$65,000.00, [~~\$100.00~~]  
19 \$150.00.

20 In estates from \$65,001.00 to and including \$200,000.00, [~~1/5~~]  
21 3/10 of 1% but not less than \$300.00.

22 In estates exceeding \$200,000.00-- [~~1/10~~] 4/10 of 1%, but not less  
23 than \$400.00.

24 For each page of accounting in excess of one, [~~\$3.00~~] \$5.00.

25

26 In computing the amount of an estate for the purpose of fixing the  
27 fees of a surrogate for auditing and reporting the account, the balance  
28 from the prior account shall be excluded.

29 For preparing notice of settlement of accounts and copies of the  
30 same, forwarding notice to newspaper, with directions as to  
31 publication, obtaining proofs of publication, keeping a record of  
32 notices and newspapers to which they are sent and of the moneys  
33 received to defray the cost of advertising and transmitting advertising  
34 charges to newspaper, [~~\$25.00~~] \$50.00.

35 No fees herein allowed shall be charged against the recipient of any  
36 pension, bounty or allowance, for services of the surrogate and the  
37 Probate Part of the [~~Law~~] Chancery Division of the Superior Court  
38 in respect thereof, pursuant to N.J.S.3B:13-9 to 3B:13-14.

39

40

MISCELLANEOUS PROCEEDINGS

41

42 Proceedings relative to presumption of death, filing, entering and  
43 recording, microfilming or photostating (exclusive of letters), with  
44 additional fee for advertising, [~~\$75.00~~] \$175.00.

45 Sale of land to pay debts (exclusive of advertising), [~~\$50.00~~]



- 1 \$175.00.  
2
- 3 Sale of land in fulfillment of contract made by decedent,[\$50.00]  
4 \$175.00.  
5
- 6 Sale of lands within one year, [\$50.00] \$175.00.  
7
- 8 Sale of minor's land, [\$50.00] \$175.00.  
9
- 10 Distribution, filing and entering complaint, recording, microfilming  
11 or photostating, and filing judgment, [\$50.00] \$175.00.  
12
- 13 Filing of first paper in action in the Superior Court, Chancery  
14 Division, Probate Part, \$175.00.  
15
- 16 Filing of answering pleadings or other answering papers in Superior  
17 Court, Chancery Division, Probate Part (First paper filed by anyone  
18 other than Plaintiff), \$110.00.  
19
- 20 Adoption of adults, filing and entering proceedings (all papers)  
21 including one judgment, [\$75.00] \$175.00.  
22
- 23 Adoption of minors [with one hearing], filing and entering  
24 proceedings (all papers) including one judgment,[\$75.00] \$175.00.  
25
- 26 [Adoption of minors with two or more hearings, filing and entering  
27 proceedings (all papers) including one judgment, \$75.00.]  
28
- 29 Application and order to limit time to creditors, [\$25.00] \$40.00,  
30 but exclusive of advertising costs.  
31
- 32 Application for relief subsequent to final judgment in the Superior  
33 Court, Chancery Division, Probate Part, \$25.00.  
34
- 35 Preparing notices to creditors to present their claims and copies of  
36 the same, sending notice to newspapers with directions as to  
37 publication, obtaining proofs of publication, keeping a record of  
38 notices and newspapers to which they are sent for publication, and of  
39 the moneys received to defray the cost of advertising and transmitting  
40 advertising charges to newspapers, \$10.00.  
41
- 42 Advertising order of court or notice, when done by the surrogate,  
43 [\$5.00] \$10.00, in addition to advertising fees.  
44
- 45 Proceedings for the appointment of a conservator, with or without

1 jury trial, [\$75.00, with trial by jury, \$75.00] \$175.00.

2

3 Proceeding for the determination of [mental incompetency]  
4 incapacity and for the appointment of a guardian for an alleged  
5 [mental incompetent] incapacitated person, with or without jury trial,  
6 [\$75.00, with trial by jury, \$75.00] \$175.00.

7

8 Proceedings in connection with payment into court of proceeds of  
9 a judgment in favor of a minor, in lieu of bond, pursuant to N.J.S.  
10 3B:15-16 and N.J.S.3B:15-17 (in addition to fees payable under  
11 Letters of Guardianship), the following fees are payable upon  
12 withdrawal of funds on deposit:

13 For each withdrawal including petitions and orders provided and  
14 prepared by the surrogate for withdrawal of funds for court approval:

15 Up to and including \$500.00, [\$10.00] \$20.00.

16

17 From \$501.00 to and including \$1,000.00, [\$15.00] \$25.00.

18

19 From \$1,001.00 to and including \$5,000.00, [\$20.00] \$30.00.

20

21 From \$5,001.00 to and including \$10,000.00, [\$25.00] \$35.00.

22

23 From \$10,001.00 to and including \$25,000, \$40.00.

24

25 From \$25,001.00 to and including \$50,000.00, [\$30.00] \$60.00.

26

27 In excess of \$50,000.00, [\$50.00] \$100.00.

28

29 MISCELLANEOUS CHARGES

30

31 Short certificates, [\$3.00] \$5.00.

32

33 Validating short certificate within one year of issue of date, [\$1.00]  
34 \$3.00.

35

36 [Subpenas] Subpoenas, each, [\$5.00] \$25.00.

37

38 Marking true copies, [subpenas] subpoenas, each, [\$2.00] \$3.00.

39

40 Marking true copies, orders to show cause, each, [\$2.00] \$3.00.

41

42 Marking true copies of other papers, each, [\$2.00] \$3.00.

43

44 Authorization of process, [\$3.00] \$5.00.

SCS for **S553** CAFIERO

12

- 1 Swearing each witness, [~~\$1.00~~] \$2.00.
- 2
- 3 Adjournment or continuance, [~~\$3.00~~] \$15.00.
- 4
- 5 Miscellaneous orders of court, first page, [~~\$3.00~~] \$5.00.
- 6
- 7 For each additional page, [~~\$3.00~~] \$5.00.
- 8
- 9 Recording, microfilming or photostating all papers not herein  
10 provided for, [~~\$3.00~~] \$5.00 for each page.
- 11
- 12 For making copies not otherwise provided for, \$3.00 for each page.
- 13
- 14 Filing transcript of death certificate, [~~\$3.00~~] \$5.00.
- 15
- 16 Power of attorney, per page [~~\$3.00~~] \$5.00 plus \$5.00 for certified  
17 mail.
- 18
- 19 Search fee, per estate \$10.00
- 20
- 21 Proceedings relative to appointment of a guardian ad litem,  
22 [~~\$15.00~~] \$25.00.
- 23
- 24 Renunciation by one person, filing, entering and recording, or  
25 photostating, [~~\$3.00~~] \$5.00. Each additional person, [~~\$1.00~~]  
26 \$3.00.
- 27
- 28 Caveat, filing or withdrawing, [~~\$10.00~~] \$25.00.
- 29
- 30 Combined refunding bond and release of not more than two pages,  
31 filing, entering, microfilming and recording, or photostating, [~~\$6.00~~]  
32 \$10.00. [For more than two pages, \$3.00] \$5.00 for each additional  
33 page. Additional charge for county clerk's certificate, [~~\$2.00~~] \$5.00.
- 34
- 35 Release of not more than two pages of refunding bond and release,  
36 [~~\$6.00~~] \$10.00. [For more than two pages, \$3.00] \$5.00 for each  
37 additional page. Additional charge for county clerk's certificate,  
38 [~~\$2.00~~] \$5.00.
- 39
- 40 Assignments of legacy or interest, [~~\$3.00~~] \$10.00 per page, plus  
41 [~~\$2.00~~] \$5.00 where county clerk's certificate is necessary.
- 42
- 43 Filing all papers not herein provided for, [~~\$3.00~~] \$5.00, if  
44 microfilming process is used, [~~\$3.00~~] \$5.00 per page.

1 Plain copy of two-page will, \$6.00.

2

3 Each additional page, \$3.00.

4

5 Filing of motions in the Superior Court, Chancery Division, Probate  
6 Part, \$15.00.

7

8 Notice of appeal (trial court), \$10.00.

9

10 Minimum charge for all other papers or services in proceedings in  
11 the Superior Court, Chancery Division, Probate Part, \$5.00.

12

13 3B:14-48 Service of Process by Surrogate, \$25.00.

14

15 Duplicating or copying of microfiche, digital tape, high density  
16 disks, optically scanned and recorded materials or for any other media  
17 used to record or preserve records, \$150.00 per medium recorded.

18

19 Processing fee for returned check, \$20.00 plus bank fee.

20 (cf: P.L.1988, c.109, s.1).

21

22 4. Section 2 of P.L.1965, c.123 (C.22A:4-4.1) is amended to read  
23 as follows:

24 2. County clerks and registers of deeds and mortgages, in counties  
25 having such offices, shall charge for the services herein enumerated the  
26 following fees:

27 Fee

28 For recording veteran's discharge papers . . . . . No fee

29 For recording any instrument:

30 First page . . . . . **[\$15.00] \$25.00**

31 Each additional page or part thereof . . . . . **[\$ 2.00] \$ 5.00**

32 Each rider, insertion, addition, or any map,  
33 plat or sketch filed or recorded

34 pursuant to **[paragraph] subsection (c)**

35 of section 2 of P.L.1957, c.130 (C.48:3-17.3) . . . **[\$ 2.00] \$ 5.00**

36 For entering the marginal notation of an order

37 judgment, statement or warrant discharging,

38 annulling a notice of lis pendens and

39 for filing such order, judgment or

40 statement . . . . . **[\$ 3.00] \$ 5.00**

41 For filing a lis pendens foreclosure. . . . . \$25.00

42 Notation . . . . . \$5.00

43 For preparing and transmitting to the assessor,

44 collector, or other custodian of the assessment

45 map of any taxing district, the abstract of an

46 instrument evidencing title to

SCS for S553 CAFIERO

|    |                                                                     |           |                |
|----|---------------------------------------------------------------------|-----------|----------------|
| 1  | realty . . . . .                                                    | [\$ 3.00] | <u>\$ 5.00</u> |
| 2  | For entering the marginal notation of a                             |           |                |
| 3  | discharge or release of a New Jersey building                       |           |                |
| 4  | and loan or savings and loan mortgage and                           |           |                |
| 5  | forwarding abstract . . . . .                                       | [\$ 3.00] | <u>\$ 5.00</u> |
| 6  | For entering the marginal notation of a                             |           |                |
| 7  | discharge, assignment, postponement or                              |           |                |
| 8  | release of a mortgage, other than building and                      |           |                |
| 9  | loan and savings and loan mortgages . . . . .                       | [\$ 3.00] | <u>\$ 5.00</u> |
| 10 | For the cancellation of any mortgage . . . . .                      | [\$ 8.00] | <u>\$15.00</u> |
| 11 | For a marginal notation of the discharge of                         |           |                |
| 12 | a mortgage in counties where mortgages are                          |           |                |
| 13 | indexed under a system requiring a duplication                      |           |                |
| 14 | of indices and description . . . . .                                | [\$ 3.00] | <u>\$ 5.00</u> |
| 15 | For filing and recording notice of federal                          |           |                |
| 16 | tax lien or other federal lien or certificate                       |           |                |
| 17 | discharging such lien . . . . .                                     | [\$ 8.00] | <u>\$20.00</u> |
| 18 | <u>For filing a notice of settlement. . . . .</u>                   |           | <u>\$15.00</u> |
| 19 | For filing each map, plat, plan or chart                            |           |                |
| 20 | (except when presented by the State or                              |           |                |
| 21 | its agencies or filed pursuant to [paragraph] subsection            |           |                |
| 22 | (c) of section 2 of P.L.1957, c.130                                 |           |                |
| 23 | (C.48:3-17.3)) . . . . .                                            | [\$18.00] | <u>\$50.00</u> |
| 24 | For recording tax sale certificate, except                          |           |                |
| 25 | by municipalities, or a redemption or assignment                    |           |                |
| 26 | of tax sale certificate, first page . . . . .                       | [\$15.00] | <u>\$25.00</u> |
| 27 | Each additional page or part thereof . . . . .                      | [\$ 2.00] | <u>\$ 5.00</u> |
| 28 | Certified copy of veteran's discharge . . . . .                     |           | \$ 1.00        |
| 29 | For indexing any recorded instrument                                |           |                |
| 30 | in excess of [10] 5 parties, per each name                          |           |                |
| 31 | in excess of [10] 5 . . . . .                                       | [\$ 0.30] | <u>\$ 1.00</u> |
| 32 | For recording tax sale certificate, lien,                           |           |                |
| 33 | deed, or related instrument by a                                    |           |                |
| 34 | municipality . . . . .                                              |           | \$ 3.00        |
| 35 | <u>For recording vacations or dedications of roads,</u>             |           |                |
| 36 | <u>first page . . . . .</u>                                         |           | <u>\$25.00</u> |
| 37 | <u>Each additional page or part thereof . . . . .</u>               |           | <u>\$ 5.00</u> |
| 38 | <u>For disclaimers . . . . .</u>                                    |           | <u>\$10.00</u> |
| 39 | <u>For reimbursement agreements . . . . .</u>                       |           | <u>No fee</u>  |
| 40 | (cf: P.L.1997, c.412, s.6)                                          |           |                |
| 41 |                                                                     |           |                |
| 42 | 5. N.J.S.22A:4-8 is amended to read as follows:                     |           |                |
| 43 | 22A:4-8. For the services hereinafter enumerated sheriffs and other |           |                |
| 44 | officers shall receive the following fees:                          |           |                |
| 45 | In addition to the mileage allowed by law, for serving every        |           |                |

1 summons and complaint, attachment or any mesne process issuing out  
2 of the Superior Court, the sheriff or other officer serving such process  
3 shall, for the first defendant or party on whom such process is served,  
4 be allowed [~~\$12.00~~] \$22.00 and, for service on the second defendant  
5 named therein, [~~\$10.00~~] \$20.00, and for serving such process on any  
6 other defendant or defendants named therein, [~~\$6.00~~] \$16.00 each,  
7 and no more. If a man and his wife be named in such process they shall  
8 be considered as one defendant, except where they are living separate  
9 and apart.

10 Serving summons and complaint in matrimonial actions, in addition  
11 to mileage, [~~\$12.00~~] \$22.00.

12 Serving capias ad respondendum, capias ad satisfaciendum, warrant  
13 of commitment, writ of ne exeat, in addition to mileage, [~~\$35.00~~]  
14 \$48.00.

15 Serving order to summon juries and return, [~~\$1.75~~] \$8.00.

16 Serving every execution against goods or lands and making an  
17 inventory and return, in addition to mileage, [~~\$35.00~~] \$48.00.

18 For returning every writ, [~~\$1.00~~] \$2.00.

19 Executing every writ of possession and return, in addition to  
20 mileage, [~~\$35.00~~] \$48.00.

21 Executing every writ of attachment, sequestration or replevin  
22 issuing out of any of the courts, in addition to mileage, [~~\$35.00~~]  
23 \$48.00.

24 For serving each out-of-State paper, in addition to the mileage  
25 allowed by law, [~~\$15.00~~] \$25.00 for the first defendant on whom such  
26 paper is served, [~~\$10.00~~] \$20.00 for service on the second defendant  
27 named therein, and [~~\$6.00~~] \$16.00 for serving such paper on any  
28 other defendant or defendants named therein. If a man and wife be  
29 named in such paper, they shall be considered as one defendant, except  
30 where they are living separate and apart.

31 For serving or executing any process or papers where mileage is  
32 allowed by law, the officer shall receive mileage actually traveled to  
33 and from the courthouse, at the rate per mile of \$0.16.

34 The sheriff shall be entitled to retain out of all moneys collected or  
35 received by him on a forfeited recognizance, whether before or after  
36 execution, or from amercements, or from fines and costs on  
37 conviction, on indictment or otherwise, whether such moneys are  
38 payable to the State or to the county treasurer of the county wherein  
39 conviction was had, 5%.

40 For transporting each offender to the State Prison, per mile, but not  
41 less than \$3.00 for each offender, to be certified by the keeper of the  
42 prison and the certificate to be delivered to the county treasurer of the  
43 county where the conviction was had, \$0.23.

## EXECUTION SALES

When a sale is made by virtue of an execution the sheriff shall be entitled to charge the following fees: On all sums not exceeding \$5,000.00, [~~4%~~] 6%; on all sums exceeding \$5,000.00 on such excess, [~~2 1/2%~~] 4%; the minimum fee to be charged for a sale by virtue of an execution, [~~\$20.00~~] \$50.00.

On an execution against wages, commissions and salaries, the sheriff shall charge the same percentage fees on all sums collected as those percentage fees applicable in cases wherein an execution sale is consummated.

When the execution is settled without actual sale and such settlement is made manifest to the officer, the officer shall receive 1/2 of the amount of percentage allowed herein in case of sale.

Making statement of execution, sales and execution fees, [~~\$5.00~~] \$10.00.

Advertising the property for sale, provided the sheriff or deputy sheriff attend in pursuance of the advertisement, [~~\$10.00~~] \$20.00.

Posting property for sale, [~~\$7.00~~] \$20.00.

For the crier of the vendue, when the sheriff proceeds to sell, for every day he shall be actually employed in such sale, [~~\$3.00~~] \$5.00.

Every adjournment of a sale, but no more than one adjournment shall be allowed, and if the sheriff shall have several executions against a defendant, he shall only be allowed for advertising, attending and adjourning, as if he had but one execution, [~~\$20.00~~] \$28.00.

Drawing and making a deed to a purchaser of real property, [~~\$35.00~~] \$75.00.

Drawing and making a bill of sale to the purchaser of personal property when such bill of sale is required or demanded, [~~\$15.00~~] \$20.00.

When more than one execution shall be issued out of the Superior Court upon any judgment, each sheriff to whom such execution shall be directed and delivered shall be entitled to collect and receive from the defendant named in such execution the fees allowed by law for making a levy and return and statement thereon, or for such other services as may be actually performed by him, and the sheriff who shall collect the amount named in said execution or any part thereof, shall be entitled to the legal percentage upon whatever amount may be so collected by him, but in case any such judgment shall be settled between the parties and the amount due thereon shall not be collected by either sheriff, then the percentage on the amount collected which would be due the sheriff thereon in case only one execution had been issued shall be equally divided among the several sheriffs in whose hands an execution in the same cause may have been placed.

The sheriff shall file his taxed bill of costs with the clerk of the

1 court out of which execution issued, within such time as the court shall  
2 direct by general rule or special order, or, in default thereof, he shall  
3 not be entitled to any costs. If any sheriff shall charge in such bill of  
4 costs for services not done, or allowed by law, or shall take any  
5 greater fee or reward for any services by him done than is or shall be  
6 allowed by law, he shall be liable for the damages sustained by the  
7 party aggrieved including a penalty of \$30.00, to be recovered in a  
8 summary manner, in the action or proceeding wherein the execution  
9 was issued or otherwise.

10 (cf: P.L.1991, c.91, s.275).

11

12 6. (New section) a. The county treasurer shall be responsible for  
13 all fees received by or deposited with the county sheriff pursuant to  
14 N.J.S.22A:4-8. The county sheriff shall account to the county  
15 treasurer for all these fees.

16 b. The county treasurer shall deposit into a trust fund dedicated to  
17 the sheriff's office \$2.00 of each fee over the amount of \$3.00 received  
18 for a service enumerated in N.J.S.22A:4-8. Such sums shall be  
19 deposited within 10 days of receipt by the county treasurer. Monies  
20 in the trust fund shall be used to upgrade and modernize the services  
21 provided by their offices. As used in this section, "to upgrade and  
22 modernize the services" shall not include the costs associated with  
23 employing personnel and shall not include offset of existing salary or  
24 new positions. The monies in the trust fund shall not be used for  
25 budgetary reduction by the counties.

26 c. Notwithstanding any provision of law to the contrary, monies  
27 received by a county sheriff attributable solely to the amount of fee  
28 increases for services enumerated in N.J.S.22A:4-8 pursuant to the  
29 amendments set forth in section 5 of P.L. , c. (now pending before  
30 the Legislature as this bill), that exceed in any year the amount by  
31 which the annual minimum salary of the sheriff fixed pursuant to  
32 N.J.S.40A:9-104 exceeds the amount of the county sheriff's salary in  
33 effect on November 1, 2000, shall be used for budgetary reduction by  
34 the county and shall be reflected as a county tax levy reduction.

35

36 7. N.J.S.22A:4-17 is amended to read as follows:

37 22A:4-17. All fees, costs, allowances, percentages and other  
38 perquisites of whatever kind which surrogates, county clerks in their  
39 several capacities, registers of deeds and mortgages, and sheriffs or  
40 persons employed in their offices are entitled to charge and receive for  
41 any official acts or services they may render shall be for the sole use  
42 of the county and shall be accounted for regularly to the county  
43 treasurer; however, such monies shall be utilized to increase the  
44 salaries of surrogates, county clerks, registers of deeds and mortgages  
45 and sheriffs, except as provided in section 6 of P.L. , c. (C. )  
46 (now pending before the Legislature as this bill), section 7 of



1 P.L.1985, c.422 (C.22A:4-17.1) and section 4 of P.L.1988, c.109  
2 (C.22A:4-17.2).

3 Such accounting shall be made on or before the fifteenth day of  
4 each month on form blanks supplied by the county treasurer. The  
5 statement of account shall clearly set forth all sums charged or taxed  
6 or which shall have accrued or become payable during the preceding  
7 month. Such statements shall be made under oath and filed in the  
8 office of the county treasurer as public records.

9 Such statements when received by the county treasurer shall be  
10 forthwith audited by the county auditor or other proper officer.

11 On or before the twentieth day of each month surrogates, county  
12 clerks, registers of deeds and mortgages, and sheriffs shall pay over  
13 the amount of such fees and moneys to the county treasurer and such  
14 officers shall be personally liable to the county for such fees and  
15 moneys.

16 The penalty for each day's neglect to file the required statement of  
17 account or to pay over such moneys shall be one hundred dollars  
18 (\$100.00) to be recovered in the name of the board of chosen  
19 freeholders of the county in a civil action in the Superior Court, and  
20 said officers may also be proceeded against by proceeding in lieu of  
21 prerogative writ.

22 (cf: P.L.1991, c.91, s.276)

23

24 8. Section 4 of P.L.1988, c.109 (C.22A:4-17.2) is amended to read  
25 as follows:

26 4. a. The county treasurer shall return to the county surrogate  
27 \$2.00 of each fee received for the probate of a will; for the grant of  
28 general administration; for the grant of letters of guardianship [for a  
29 minor and]; for the grant of letters of trusteeship for the filing of  
30 inventories; for the filing of accountings; and for any other proceeding  
31 filed, recorded or issued in the surrogate's court. Such sums shall be  
32 returned within 10 days of receipt by the county treasurer.

33 b. Monies received by the county surrogates pursuant to the  
34 provisions of subsection a. of this section shall be used to upgrade and  
35 modernize the services provided by their offices. These monies shall  
36 not be used for budgetary reduction by the counties.

37 c. Notwithstanding any provision of law to the contrary, monies  
38 received by a county surrogate attributable solely to the amount of fee  
39 increases for services enumerated in N.J.S.22A:2-30 pursuant to the  
40 amendments set forth in section 3 of P.L. , c. (now pending before  
41 the Legislature as this bill), that exceed in any year the amount by  
42 which the annual minimum salary of the surrogate fixed pursuant to  
43 N.J.S.2B:14-3 exceeds the amount of the surrogate's salary in effect  
44 on November 1, 2000, shall be used for budgetary reduction by the  
45 county and shall be reflected as a county tax levy reduction.

46 (cf: P.L.1988, c.109, s.4)

1 9. Section 7 of P.L.1985, c.422 (C.22A:4-17.1) is amended to read  
2 as follows:

3 7. a. The county treasurer shall return to the county clerk or the  
4 register of deeds and mortgages \$2.00 of each fee received for the  
5 recording, filing or cancelling of a document in the office of the county  
6 clerk or register of deeds and mortgages. Such sums shall be returned  
7 within 10 days of receipt of the fee by the county treasurer.

8 b. Monies received by the county clerks or registers of deeds and  
9 mortgages pursuant to the provisions of subsection a. shall be used to  
10 upgrade and modernize the services provided by their offices.

11 c. The provisions of subsection a. shall not apply to fees received  
12 from municipalities for recording, filing or cancelling documents.

13 d. Notwithstanding any provision of law to the contrary, monies  
14 received by a county clerk attributable solely to the amount of fee  
15 increases for services enumerated in N.J.S.22A:2-29 pursuant to the  
16 amendments set forth in section 2 of P.L. , c. (now pending before  
17 the Legislature as this bill) and enumerated in section 2 of P.L.1965,  
18 c.123 (C.22A:4-4.1) pursuant to the amendments set forth in section  
19 4 of P.L. , c. (now pending before the Legislature as this bill), that  
20 exceed in any year the amount by which the annual minimum salary of  
21 the county clerk fixed pursuant to N.J.S.40A:9-76 exceeds the amount  
22 of the county clerk's salary in effect on November 1, 2000, shall be  
23 used for budgetary reduction by the county and shall be reflected as a  
24 county tax levy reduction.

25 e. Notwithstanding any provision of law to the contrary, monies  
26 received by a register of deeds and mortgages attributable solely to the  
27 amount of fee increases for services enumerated in section 2 of  
28 P.L.1965, c.123 (C.22A:4-4.1) pursuant to the amendments set forth  
29 in section 4 of P.L. , c. (now pending before the Legislature as this  
30 bill) that exceed in any year the amount by which the annual minimum  
31 salary of the register of deeds and mortgages fixed pursuant to  
32 N.J.S.40A:9-92 exceeds the amount of the salary of the register of  
33 deeds and mortgages in effect on November 1, 2000, shall be used for  
34 budgetary reduction by the county and shall be reflected as a county  
35 tax levy reduction.

36 (cf: P.L.1989, c.301, s.1)

37

38 10. N.J.S.40A:9-76 is amended to read as follows:

39 40A:9-76. The board of chosen freeholders in each county, by  
40 resolution, shall fix the annual salary of the county clerk [as follows:

41 In counties having a population in excess of 600,000, not less than  
42 \$24,000.00 or more than the board of chosen freeholders may by  
43 resolution duly authorize per annum;

44 In counties having a population in excess of 400,000, but not more  
45 than 600,000, not less than \$21,000.00, or more than the board of  
46 chosen freeholders may by resolution duly authorize per annum;

1 In counties having a population in excess of 190,000, but not more  
2 than 400,000, not less than \$18,000.00 or more than the board of  
3 chosen freeholders may by resolution duly authorize per annum;

4 In counties having a population of 190,000 or less, not less than  
5 \$15,000.00 or more than the board of chosen freeholders may by  
6 resolution duly authorize per annum.] in an amount equal to not less  
7 than sixty-five percent (65%) of the annual salary of a Judge of the  
8 Superior Court. Nothing in this section shall be construed to require  
9 that a county clerk whose annual salary exceeds the amount provided  
10 for herein shall be reduced, or that a board of chosen freeholders may  
11 not increase the salary of a county clerk in excess of the amount  
12 provided for herein.

13 Nothing in this section shall authorize the fixing of the salary of any  
14 person holding the office of county clerk at any amount less than that  
15 now payable pursuant to law, so long as the said person shall hold  
16 such office during the present and any consecutively ensuing term or  
17 terms, nor shall anything in this section authorize the payment of any  
18 salary for which a range is established in an amount less than the  
19 minimum of said range.

20 The salary of said officer shall be paid by the proper county  
21 disbursing officer in the same manner as county officers and employees  
22 are paid.

23 (cf: P.L.1974, c.153, s.1)

24  
25 11. N.J.S.40A:9-92 is amended to read as follows:

26 40A:9-92. The board of chosen freeholders in each county, by  
27 resolution, shall fix the annual salary of the register of deeds and  
28 mortgages [as follows:

29 In counties having a population in excess of 600,000, not less than  
30 \$24,000.00 or more than the board of chosen freeholders may by  
31 resolution duly authorize per annum;

32 In counties having a population in excess of 400,000, but not more  
33 than 600,000, not less than \$21,000.00 or more than the board of  
34 chosen freeholders may by resolution duly authorize per annum;

35 In counties having a population in excess of 190,000, but not more  
36 than 400,000, not less than \$18,000.00 or more than the board of  
37 chosen freeholders may by resolution duly authorize per annum;

38 In counties having a population of 190,000 or less, not less than  
39 \$15,000.00 or more than the board of chosen freeholders may by  
40 resolution duly authorize per annum.] in an amount equal to not less  
41 than sixty-five percent (65%) of the annual salary of a Judge of the  
42 Superior Court. Nothing in this section shall be construed to require  
43 that a register whose annual salary exceeds the amount provided for  
44 herein shall be reduced, or that a board of chosen freeholders may not  
45 increase the salary of a register in excess of the amount provided for  
46 herein.

1 Nothing in this section shall authorize the fixing of the salary of any  
2 person holding the office of register of deeds and mortgages at any  
3 amount less than that now payable pursuant to law, so long as the said  
4 person shall hold such office during the present and any consecutively  
5 ensuing term or terms, nor shall anything in this section authorize the  
6 payment of any salary for which a range is established in an amount  
7 less than the minimum of said range.

8 The salary of said officer shall be paid by the proper county  
9 disbursing officer in the same manner as county officers and employees  
10 are paid.

11 (cf: P.L.1974, c.153, s.2)

12  
13 12. N.J.S.40A:9-104 is amended to read as follows:

14 40A:9-104. The board of chosen freeholders in each county, by  
15 resolution, shall fix the annual salary of the sheriff [as follows:

16 In counties having a population in excess of 600,000, not less than  
17 \$24,000.00 or more than the board of chosen freeholders may by  
18 resolution duly authorize per annum;

19 In counties having a population in excess of 400,000, but not more  
20 than 600,000, not less than \$21,000.00 or more than the board of  
21 chosen freeholders may by resolution duly authorize per annum;

22 In counties having a population in excess of 190,000, but not more  
23 than 400,000, not less than \$18,000.00 or more than the board of  
24 chosen freeholders may by resolution duly authorize per annum;

25 In counties having a population of 190,000 or less, not less than  
26 \$15,000.00 or more than the board of chosen freeholders may by  
27 resolution duly authorize per annum.] in an amount equal to not less  
28 than sixty-five percent (65%) of the annual salary of a Judge of the  
29 Superior Court. Nothing in this section shall be construed to require  
30 that a sheriff whose annual salary exceeds the amount provided for  
31 herein shall be reduced, or that a board of chosen freeholders may not  
32 increase the salary of a sheriff in excess of the amount provided for  
33 herein.

34 Nothing in this section shall authorize the fixing of the salary of any  
35 person holding the office of sheriff at any amount less than that now  
36 payable pursuant to law, so long as the said person shall hold such  
37 office during the present and any consecutively ensuing term or terms,  
38 nor shall anything in this section authorize the payment of any salary  
39 for which a range is established in an amount less than the minimum  
40 of said range.

41 The salary of said officer shall be paid by the proper county  
42 disbursing officer in the same manner as county officers and employees  
43 are paid.

44 (cf: P.L.1974, c.153, s.3)

45  
46 13. R.S.56:3-16 is amended to read as follows:

1       56:3-16. The registration of names, marks or other devices shall be  
2 by filing in the office of the [clerk of the county in which the principal  
3 office of the person or corporation seeking registration is situated and  
4 in the office of the] Secretary of State, descriptions of such names,  
5 marks or other devices. If the applicant for registration has no  
6 principal office in this State the names, marks or other devices may be  
7 registered by filing descriptions thereof in the office of the [clerk of  
8 any county in which the applicant does business and in the office of  
9 the] Secretary of State.

10       For each filing as herein provided the Secretary of State shall  
11 receive a fee of \$20.00 [and the county clerk shall receive a fee of  
12 \$5.00].

13 (cf: P.L.1971, c.171, s.6)

14

15       14. This act shall take effect immediately.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 553**

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 9, 2000

The Senate Budget and Appropriations Committee reports favorably a committee substitute to Senate Bill No. 553.

This bill would increase fees paid to county clerks, sheriffs, surrogates and other officers for enumerated services. These fee increases would enhance county revenues and more accurately reflect the costs incurred in providing these services. The bill would establish some additional fees for the processing of documents and the provision of services such as the faxing of documents, which are not presently set statutorily. The bill would also eliminate certain archaic references involving filing fees.

Additionally, the bill provides that \$2.00 of each fee collected over the amount of \$3.00 for services enumerated in N.J.S.22A:4-8 would be remitted to the county sheriffs to be used to upgrade and modernize the services provided by their offices. Currently, monies received for the enumerated services go to the county treasury. The bill would require that the remittance be made within ten days of receipt by the county treasurer. This language is patterned after language contained in section 7 of P.L.1985, c.422 (C.22A:4-17.1) pertaining to county clerks or registers of deeds and mortgages. This bill specifies that "to upgrade and modernize the services" provided by the sheriff's office shall not include the costs associated with employing personnel.

As amended, the bill would set the salaries for surrogates, county clerks, registers of deeds and mortgages and sheriffs in an amount equal to not less than 65% of the annual salary of a Judge of the Superior Court. It would be within the discretion of the county board of chosen freeholders to increase a salary in excess of that amount; however, an annual salary that exceeds that amount could not be reduced. The bill would allow county boards of chosen freeholders to utilize fee monies for the purpose of increasing the salaries of surrogates, county clerks, registers of deeds and mortgages and sheriffs.

The legislation provides that any increase in revenue, realized by the offices of the several constitutional officers as a result of the bill's fee increases, that exceeds the amount necessary to increase the salaries of those respective officers to the minimum level established

under the bill shall be dedicated to reduction of the county property tax levy.

#### FISCAL IMPACT

The Administrative Office of the Courts estimates that the proposed fee increases would generate about \$3.4 million in annual revenue to offset the proposed salary increases.

With respect to those salary increases, the Office of Legislative Services (OLS) notes that with the enactment by the 208th Legislature of P.L.1999, c.380, the salary of Judges of the Superior Court will, over a three-year phase-in period, increase to \$141,000 per year. Based on a proposed judicial salary of \$141,000, the OLS estimates that the cost of increasing the salaries of county clerks, sheriffs, surrogates and the register of deeds and mortgages to \$91,650 (65% of \$141,000) would total about \$1.44 million.

The OLS also notes that pursuant to N.J.S.A.40A:9-77, the salary of the deputy county clerk is set at 3/5 of that of the county clerk. Under N.J.S.A.40A:9-117 the salary of the undersheriff is set at no more than 90 percent of that of the Sheriff. As a result, as the salaries of the county clerk and sheriff are increased, additional costs would be incurred for increased salaries for these positions.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE COMMITTEE SUBSTITUTE FOR**  
**SENATE, No. 553**  
**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

DATED: DECEMBER 14, 2000

**SUMMARY**

**Synopsis:** Revises fees and salaries of county clerks, registers of deeds and mortgages, sheriffs and surrogates, and use of fees to upgrade and modernize services of sheriffs' offices, pay salary increases and reduce county tax levies.

**Type of Impact:** Local expenditure and revenue

**Agencies Affected:** Counties

**Office of Legislative Services Estimate**

| <b>Fiscal Impact</b> | <b><u>Year 1</u></b> | <b><u>Year 2</u></b> | <b><u>Year 3</u></b> |
|----------------------|----------------------|----------------------|----------------------|
| <b>Local Cost</b>    | \$1,400,000          | \$1,400,000          | \$1,400,000          |
| <b>Local Revenue</b> | \$44,000,000         | \$44,000,000         | \$44,000,000         |

- ! The Office of Legislative Services (OLS) **concurs** with the revenue estimates provided by the Administrative Office of the Courts (AOC) and the Constitutional Officers Association of New Jersey, and notes that currently, the annual salary of a Judge of the Superior Court is \$141,000. Based on this, the OLS estimates that the cost of increasing the salaries of county clerks, sheriffs, surrogates and the register of deeds and mortgages would total about \$1.4 million.
- ! The Office of Legislative Services (OLS) also notes that pursuant to N.J.S.A. 40A:9-77 the salary of the deputy county clerk is set at 3/5 of that of the county clerk. Under N.J.S.A. 40A:9-117 the salary of the undersheriff is set at no more than 90 percent of that of the Sheriff. As a result, as the salaries of the county clerk and sheriff is increased, additional costs would be incurred for increased salaries for these positions as well.
- ! The bill would set the salaries paid to county clerks, sheriffs, surrogates and the register of deeds and mortgages at 65 percent of the annual salary of a Judge of the Superior Court. The bill also increases fees paid to county clerks, sheriffs, surrogates and the register of deeds and mortgages for services provided and permits the use of these fee increases to fund the proposed salaries. Any revenue collected that surpasses the cost of the salary increases



would be dedicated to providing property tax relief.

- ! In a fiscal note for the prior Legislative session, the Administrative Office of the Courts (AOC) estimated that the proposed surrogate fee increases would generate about \$3.4 million in annual revenue to offset the proposed salary increases.
- ! The Constitutional Officers Association of New Jersey noted that the proposed fee increases would generate the \$40.6 million in revenue as follows: county clerks--\$34.1 million; sheriffs--\$5.1 million; and register of deeds--\$1.4 million.

## **BILL DESCRIPTION**

Senate Committee Substitute for Senate Bill No. 553 of 2000 would set the salaries paid to county clerks, sheriffs, surrogates and the register of deeds and mortgages at 65 percent of the annual salary of a Judge of the Superior Court. The bill also increases fees paid to county clerks, sheriffs, surrogates and the register of deeds and mortgages for services provided and permits the use of these fee increases to fund the proposed salaries. The substitute provides that any revenue collected that surpasses the cost of the salary increases would be dedicated to providing property tax relief.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

In a fiscal note for the prior Legislative session, the Administrative Office of the Courts estimated that the proposed surrogate fee increases would generate about \$3.4 million in annual revenue to offset the proposed salary increases.

In a memo presented to the Senate Budget and Appropriations Committee, the Constitutional Officers Association of New Jersey noted that the proposed fee increases would generate the \$40.6 million in revenue as follows: county clerks--\$34.1 million; sheriffs--\$5.1 million; and register of deeds--\$1.4 million.

Total revenue generated by this bill would be \$44 million.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services (OLS) concurs with the revenue estimates provided by the Administrative Office of the Courts and the Constitutional Officers Association of New Jersey, and notes that currently, the annual salary of a Judge of the Superior Court is \$141,000. Based on this, the OLS estimates that the cost of increasing the salaries of county clerks, sheriffs, surrogates and the register of deeds and mortgages would total about \$1.4 million.

The OLS also notes that pursuant to N.J.S.A. 40A:9-77 the salary of the deputy county clerk is set at 3/5 of that of the county clerk. Under N.J.S.A. 40A:9-117 the salary of the undersheriff is set at no more than 90 percent of that of the Sheriff. As a result, as the salaries of the county clerk and sheriff is increased, additional costs would be incurred for increased salaries for these

positions as well.

Section: *Judiciary*

Analyst: *Anne C. Raughley*  
*Lead Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

# ASSEMBLY LOCAL GOVERNMENT COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 553**

with committee amendments

# STATE OF NEW JERSEY

DATED: DECEMBER 13, 2001

The Assembly Local Government Committee reports favorably Senate Bill No. 553 with Assembly committee amendments.

This bill, as amended, would increase fees paid to county clerks, sheriffs, surrogates and other officers for enumerated services. These fee increases would enhance county revenues and more accurately reflect the costs incurred in providing these services. The bill would establish some additional fees for the processing of documents and the provision of services such as the faxing of documents, which are not presently set statutorily. The bill would also eliminate certain archaic references involving filing fees.

Additionally, the bill provides that \$2.00 of each fee collected over the amount of \$3.00 for services enumerated in N.J.S.22A:4-8 would be remitted to the county sheriffs to be used to upgrade and modernize the services provided by their offices. Currently, monies received for the enumerated services go to the county treasury. The bill would require that the remittance be made within ten days of receipt by the county treasurer. This language is patterned after language contained in section 7 of P.L.1985, c.422 (C.22A:4-17.1) pertaining to county clerks or registers of deeds and mortgages. This bill specifies that "to upgrade and modernize the services" provided by the sheriff's office shall not include the costs associated with employing personnel.

The bill would set the salaries for surrogates, county clerks, registers of deeds and mortgages and sheriffs in an amount equal to not less than 65% of the annual salary of a Judge of the Superior Court. It would be within the discretion of the county board of chosen freeholders to increase a salary in excess of that amount; however, an annual salary that exceeds that amount could not be reduced. The bill would allow county boards of chosen freeholders to utilize fee monies for the purpose of increasing the salaries of surrogates, county clerks, registers of deeds and mortgages and sheriffs.

The legislation provides that any increase in revenue, realized by the offices of the several constitutional officers as a result of the bill's fee increases, that exceeds the amount necessary to increase the

salaries of those respective officers to the minimum level established under the bill shall be dedicated to reduction of the county property tax levy.

The committee amended the bill to delete section 13, which amended R.S.56:3-16 to remove the business name and mark registration function from county clerks. By removing this section, R.S.56:3-16 would remain unchanged with county clerks still having the power to register business names and marks.

The committee also amended the bill to insert a new section 13 which is intended to ensure that increases in check off fees charged by certain county constitutional offices, beyond amounts needed to pay for salary increases, are used to upgrade and modernize the services of those offices, such as, but not limited to, improving recording and election related records in the county clerk's office, and not for any other purposes. The committee understands "check off fees" to be a technical term used by county clerks to refer to the types of fees changed by this bill. These committee amendments were prompted by a State Commission on Investigation report. The committee amendments designate the county assignment judge as the final arbiter of all disputes concerning the use of these extra funds.

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 553**

---

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

---

ADOPTED NOVEMBER 9, 2000

**Sponsored by:**

**Senator JAMES S. CAFIERO**

**District 1 (Cape May, Atlantic and Cumberland)**

**Co-Sponsored by:**

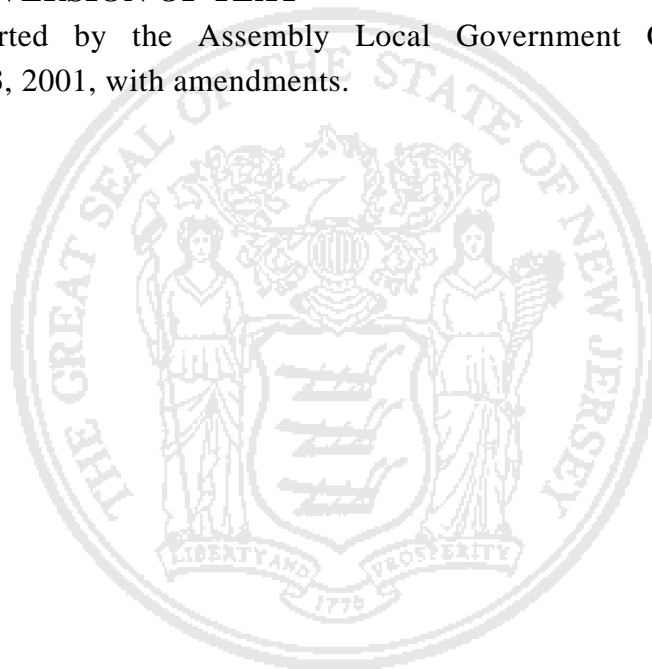
**Senators Bennett and Ciesla**

**SYNOPSIS**

Revises fees and salaries of county clerks, registers of deeds and mortgages, sheriffs and surrogates, and use of fees to upgrade and modernize services of sheriffs' offices, pay salary increases and reduce county tax levies.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Local Government Committee on December 13, 2001, with amendments.



1 AN ACT concerning certain fees and salaries of county clerks, sheriffs,  
2 surrogates and other officers, amending and supplementing Title 22A of the  
3 New Jersey Statutes and amending various parts of the statutory law.

4  
5 BE IT ENACTED by the Senate and General Assembly of the State of New  
6 Jersey:

7  
8 1. N.J.S.2B:14-3 is amended to read as follows:

9 2B:14-3. Salaries of Surrogates. **[Each]** The board of chosen freeholders  
10 in each county shall fix the Surrogate's annual salary by resolution in an amount  
11 equal to not less than sixty-five percent (65%) of the annual salary of a Judge  
12 of the Superior Court which shall not be diminished during the term of office  
13 or during any consecutive terms served by the Surrogate. Nothing in this  
14 section shall be construed to require that a surrogate whose annual salary  
15 exceeds the amount provided for herein shall be reduced, or that a board of  
16 chosen freeholders may not increase the salary of a surrogate in excess of the  
17 amount provided for herein.

18 (cf: N.J.S.2B:14-3)

19  
20 2. N.J.S.22A:2-29 is amended to read as follows:

21 22A:2-29. Upon the filing, indexing, entering or recording of the following  
22 documents or papers in the office of the county clerk or deputy clerk of the  
23 Superior Court, such parties, filing or having the same recorded or indexed in  
24 the county clerk's office or with the deputy clerk of the Superior Court in the  
25 various counties in this State in all civil or criminal causes, shall pay the  
26 following fees in lieu of the fees heretofore provided for the filing, recording  
27 or entering of such documents or papers:

28 In general--

- 29 Issuing county clerk's certificate,
- 30 any instrument.....**[\$3.00]** \$ 5.00
- 31 Comparing and making copies,
- 32 per sheet .....**[\$3.00]** \$2.00
- 33 Copies of all papers, typing and comparing of
- 34 photostat, per page .....**[\$1.50]** \$ 2.00
- 35 Marking as a true copy, any instrument .....**[\$1.50]** \$ 2.00
- 36 Exemplification, any instrument .....**[\$7.50]** \$10.00
- 37 Plus \$1.00 per page of instrument.
- 38 Recording or filing all instruments not
- 39 herein stated .....\$7.50

40 Bonds, bail, recognizances--

41 Recording all official bonds with acknowledgment and

**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 underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Assembly ALG committee amendments adopted December 13, 2001.**

[1R] SCS for S553 CAFIERO

|    |                                                               |           |                |
|----|---------------------------------------------------------------|-----------|----------------|
| 1  | proof of the execution thereof .....                          | \$9.00    |                |
| 2  | Filing and entering recognizance or civil bail .....          | \$9.00    |                |
| 3  | Filing discharge, attachment bond .....                       | \$9.00    |                |
| 4  | Filing satisfaction or order discharging                      |           |                |
| 5  | recognizance or civil bail .....                              | \$9.00    |                |
| 6  | Filing and recording filiation bond .....                     | \$9.00    |                |
| 7  | Filing satisfaction of or order discharging                   |           |                |
| 8  | filiation bond.....                                           | \$9.00    |                |
| 9  | Recording or discharging sheriff's bond .....                 | \$9.00    | Nonbusiness    |
| 10 | corporation, recording:                                       |           |                |
| 11 | Certificates of incorporation of [corporations                |           |                |
| 12 | and associations not-for-profit, and of societies,            |           |                |
| 13 | clubs, credit unions,] churches, religious societies          |           |                |
| 14 | and congregations .....                                       | [\$15.00] | <u>\$25.00</u> |
| 15 | Amendments to certificates of incorporation[,                 |           |                |
| 16 | all corporations] <u>of churches, religious societies and</u> |           |                |
| 17 | <u>congregations</u> , recording .....                        | [\$15.00] | <u>\$25.00</u> |
| 18 | [All other corporate certificates, recording ...]             | \$9.00    |                |
| 19 | Bank merger agreements, recording:                            |           |                |
| 20 | [Three sheets or less] <u>First sheet</u> .....               | [\$15.00] | <u>\$25.00</u> |
| 21 | Each <u>additional</u> sheet [over three].....                | [\$ 3.00] | <u>\$ 5.00</u> |
| 22 | Certificates, each .....                                      | [\$ 3.00] | <u>\$ 5.00</u> |
| 23 | Tradenames, firms, partnerships:                              |           |                |
| 24 | Certificate of name, filing (see R.S.56:1-1                   |           |                |
| 25 | et seq.) .....                                                | [\$30.00] | <u>\$50.00</u> |
| 26 | Certificate of dissolution of tradename                       |           |                |
| 27 | (see R.S.56:1-6 et seq.) .....                                | [\$ 9.00] | <u>\$25.00</u> |
| 28 | <u>Partnership agreement (see R.S.42:1-1 et seq.)</u> .....   |           | <u>\$50.00</u> |
| 29 | [Bottles, et cetera, description                              |           |                |
| 30 | (see R.S.56:3-14 et seq.) .....                               | \$ 4.50   |                |
| 31 | Building and loan or savings and loan associations:           |           |                |
| 32 | Change of name .....                                          | [\$15.00] | <u>\$25.00</u> |
| 33 | Dissolution .....                                             | [\$ 9.00] | <u>\$25.00</u> |
| 34 | Certificates for limited-dividend housing                     |           |                |
| 35 | associations, recording:                                      |           |                |
| 36 | <u>First page</u> .....                                       | [\$15.00] | <u>\$20.00</u> |
| 37 | <u>Each additional page</u> .....                             |           | <u>\$ 5.00</u> |
| 38 | Certificates for urban renewal associations,                  |           |                |
| 39 | recording:                                                    |           |                |
| 40 | <u>First page</u> .....                                       | [\$15.00] | <u>\$20.00</u> |
| 41 | <u>Each additional page</u> .....                             |           | <u>\$ 5.00</u> |

|    |                                                     |                          |
|----|-----------------------------------------------------|--------------------------|
| 1  | Judgments, et cetera--                              |                          |
| 2  | Recording judgments.....                            | [\$ 9.00] <u>\$15.00</u> |
| 3  | Filing, entering and recording judgment on bond     |                          |
| 4  | and warrant by attorney .....                       | \$37.50                  |
| 5  | Certificate for docketing Superior Court            |                          |
| 6  | transcript.....                                     | \$ 9.00                  |
| 7  | Recording assignment of judgment .....              | \$15.00                  |
| 8  | Issuing transcript of judgment .....                | \$ 7.50                  |
| 9  | Filing or entering on the record of discharge,      |                          |
| 10 | cancellation, release or satisfaction of a judgment |                          |
| 11 | by satisfaction piece, execution returned satisfied |                          |
| 12 | or otherwise .....                                  | [\$ 7.50] <u>\$15.00</u> |
| 13 | For recording and indexing postponement of the lien |                          |
| 14 | of judgment .....                                   | [\$15.00] <u>\$20.00</u> |
| 15 | Execution on judgment:                              |                          |
| 16 | Issuing warrant on court order .....                | \$ 9.00                  |
| 17 | Drawing execution .....                             | \$ 9.00                  |
| 18 | Recording execution .....                           | \$ 9.00                  |
| 19 | Warrant for satisfaction .....                      | \$ 6.00                  |
| 20 | Writ of attachment .....                            | \$ 9.00                  |
| 21 | Writ of possession .....                            | \$ 9.00                  |
| 22 | Writ of sequestration .....                         | \$ 9.00                  |
| 23 | Discharge of writ .....                             | \$ 9.00                  |
| 24 | Mandate .....                                       | \$15.00                  |
| 25 |                                                     |                          |
| 26 | Liens--                                             |                          |
| 27 | Filing, indexing and recording mechanic's           |                          |
| 28 | lien claim .....                                    | \$ 9.00                  |
| 29 | Recording, filing and noting on the record          |                          |
| 30 | the discharge, release or satisfaction of           |                          |
| 31 | a mechanic's lien claim .....                       | \$ 9.00                  |
| 32 | Extension of lien claim .....                       | \$ 3.00                  |
| 33 | Filing statement in mechanic's lien                 |                          |
| 34 | proceeding.....                                     | \$ 9.00                  |
| 35 | Filing, recording and indexing mechanic's           |                          |
| 36 | notice of intention.....                            | \$ 4.50                  |
| 37 | Filing a certificate discharging a mechanic's       |                          |
| 38 | notice of intention and noting the discharge        |                          |
| 39 | on the record thereof .....                         | \$ 4.50                  |
| 40 | Filing certificate from court of commencement       |                          |
| 41 | of suit.....                                        | \$ 4.50                  |
| 42 | Filing a court order amending a mechanic's          |                          |
| 43 | notice of intention .....                           | \$ 9.00                  |
| 44 | <u>Construction lien .....</u>                      | <u>\$ 15.00</u>          |
| 45 | <u>Notice of unpaid balance, discharge .....</u>    | <u>\$ 15.00</u>          |
| 46 | <u>Notation .....</u>                               | <u>\$ 5.00</u>           |



|    |                                                      |           |                |
|----|------------------------------------------------------|-----------|----------------|
| 1  | <u>Bond</u> .....                                    | \$ 25.00  |                |
| 2  | Filing a court order to discharge notice             |           |                |
| 3  | of intention and noting the discharge on             |           |                |
| 4  | the record thereof .....                             | [\$ 9.00] | <u>\$15.00</u> |
| 5  | Filing, recording and indexing stop                  |           |                |
| 6  | notice .....                                         | \$ 4.50   |                |
| 7  | Filing a certificate discharging a stop              |           |                |
| 8  | notice and noting the discharge on                   |           |                |
| 9  | the record thereof .....                             | \$ 4.50   |                |
| 10 | Filing a court order discharging                     |           |                |
| 11 | a stop notice and noting the discharge on the record |           |                |
| 12 | thereof .....                                        | \$ 9.00   |                |
| 13 | Filing building contract .....                       | [\$15.00] | <u>\$25.00</u> |
| 14 | Filing discharge of building contract .....          | [\$ 9.00] | <u>\$15.00</u> |
| 15 | <u>Notation</u> .....                                | \$ 5.00   |                |
| 16 | Filing building specifications .....                 | [\$ 7.50] | <u>\$25.00</u> |
| 17 | Filing building plans .....                          | [\$ 7.50] | <u>\$25.00</u> |
| 18 | Filing each notice of physician's lien .....         | [\$ 4.50] | <u>\$15.00</u> |
| 19 | Entering upon the record the discharge               |           |                |
| 20 | of a physician's lien.....                           | [\$ 4.50] | <u>\$15.00</u> |
| 21 | Filing each hospital lien claim .....                | [\$ 4.50] | <u>\$15.00</u> |
| 22 | Discharge of hospital lien.....                      | [\$ 4.50] | <u>\$15.00</u> |
| 23 | Filing satisfaction or order for discharge           |           |                |
| 24 | of attachment.....                                   | [\$ 9.00] | <u>\$15.00</u> |
| 25 | Recording collateral inheritance                     |           |                |
| 26 | waiver or receipt .....                              | [\$ 9.00] | <u>\$15.00</u> |
| 27 | Recording inheritance tax waiver .....               | [\$ 9.00] | <u>\$15.00</u> |
| 28 | Subordination, release, partial release              |           |                |
| 29 | or postponement of a lien to                         |           |                |
| 30 | lien of mortgage .....                               | [\$ 7.50] | <u>\$20.00</u> |
| 31 | <u>Notation</u> .....                                | \$ 5.00   |                |
| 32 |                                                      |           |                |
| 33 | Commissions and oaths--                              |           |                |
| 34 | Administering oaths to notaries public and           |           |                |
| 35 | commissioners of deeds.....                          | [\$ 7.50] | <u>\$15.00</u> |
| 36 | For issuing certificate of authority of              |           |                |
| 37 | notary to take proof, acknowledgment of              |           |                |
| 38 | affidavit.....                                       | [\$ 3.00] | <u>\$ 5.00</u> |
| 39 | issuing each certificate of the commission           |           | F o r          |
| 40 | and qualification of notary public for filing        |           |                |
| 41 | with other county clerks .....                       | [\$ 6.00] | <u>\$15.00</u> |
| 42 | filing each certificate of the commission            |           | F o r          |
| 43 | and qualification of notary public, in office        |           |                |
| 44 | of county clerk of county other than where           |           |                |
| 45 | such notary has qualified.....                       | [\$ 6.00] | <u>\$15.00</u> |

1 Miscellaneous--

- 2 Filing and recording proceedings for laying
- 3 out, vacating or dedicating roads.....**[\$15.00] \$25.00**
- 4 Recording firemen's certificates .....No charge.
- 5 Registering physician .....**[\$15.00] \$25.00**
- 6 Issuing alcoholic beverage identification
- 7 card .....**[\$ 6.00] \$10.00**
- 8 Issuing of nonalcoholic beverage identification
- 9 card to persons under twenty-one years
- 10 of age.....\$10.00

11 (cf: P.L.1985, c.422, s.4)

12

13 3. N.J.S.22A:2-30 is amended to read as follows:  
14 22A:2-30. Fees of surrogate and deputy clerk of the Superior Court.  
15 Fees for services of the surrogate and deputy clerk of the Superior Court  
16 enumerated below shall be as follows and shall be for the use of the county in  
17 which the fees are collected:

18

19

PROBATE OF WILLS AND COPIES

20

21 Probate of a will of not more than two pages, **[\$50.00] \$100.00.**  
22 Each additional page, \$ 5.00.

23

24 The above fee is for all services in preparation and execution of complaint,  
25 filing proof of death, deposition of one witness, qualification of executor, filing  
26 power of attorney, surrogate's certificate, judgment for probate, letters  
27 testamentary, plain copy of will, binding, recording, microfilming or  
28 photostating, comparing, docketing, report to the Division of Taxation in the  
29 Department of the Treasury, report and transmission to the Clerk of the  
30 Superior Court.

31

32 Probate of will of not more than two pages without letters, **[\$35.00]**  
33 **\$50.00.** Each additional page, \$ 5.00. This fee is for the same services as are  
34 enumerated in the preceding paragraph, except letters, surrogate's certificate  
35 and qualification of executor.

36

37 Probate of each codicil, not exceeding one page, **[\$15.00] \$25.00.**

38 Where codicil requires an additional witness, **[\$3.00] \$5.00.**

39

40 To reopen probate proceedings for qualification of executor or taking proof  
41 of extra witness, **[\$15.00] \$25.00.**

42

43 One witness in the above probate proceedings, no charge.

1 Each additional witness, [~~\$3.00~~] \$5.00.

2

3 Recording and comparing, microfilming or photostating, each additional  
4 page of will or codicil, [~~\$3.00~~] \$5.00.

5

6 Filing, entering, issuing and recording, microfilming or photostating,  
7 proceedings in commission for deposition of foreign witness to a will or codicil,  
8 [~~\$20.00~~] \$35.00. Plain extra copy of will, \$3.00 for each page.

9

10 Certified extra copy of will, [~~\$3.00~~] \$5.00 for each page, plus [~~\$3.00~~]  
11 \$5.00 for certificate.

12

13 Certified copy of will with proofs for New Jersey county, not exceeding two  
14 pages including will and codicil, [~~\$20.00~~] \$50.00. For pages in excess of two,  
15 [~~\$3.00~~] \$5.00 for each page.

16

17 Wills filed but not probated (as, where there are no assets), \$10.00 for first  
18 two pages, \$5.00 for each additional page, [~~\$4.00~~] \$5.00 for cover letter  
19 stating no assets, \$5.00 for death certificate.

20

21 Exemplifying will for another state, not exceeding two pages including will  
22 and codicil, plus cost of certificate of Secretary of State when requisite,  
23 [~~\$25.00~~] \$75.00 (not including \$9.00 fee for exemplified forms). For pages  
24 in excess of two, [~~\$3.00~~] \$5.00 for each page.

25

26 Recording, microfilming or photostating, docketing, indexing, filing and  
27 reporting to the Division of Taxation in the Department of the Treasury an  
28 exemplified copy of will and probate proceedings from another state, [~~\$3.00~~]  
29 \$5.00 for each page.

30

31 Recording, microfilming or photostating, docketing, indexing and filing a  
32 certified copy of will with proofs from New Jersey, [~~\$3.00~~] \$5.00 for each  
33 page.

34

35 Recording, microfilming or photostating certified transcripts of wills  
36 admitted to probate and probate proceedings or letters of administration and  
37 administration proceedings granted by the Superior Court, [~~\$3.00~~] \$5.00 for  
38 each page.

39

40 LETTERS OF TRUSTEESHIP

41

42 Acceptance of trustee and letters of trusteeship, including one certificate,  
43 [~~\$25.00~~] \$50.00.

1 LETTERS OF ADMINISTRATION

2  
3 General administration, including preparation and execution of complaint,  
4 bond, surety affidavits, necessary recording, microfilming or photostating,  
5 indexing, filing, report to the Division of Taxation, including power of attorney  
6 and death certificate, in the Department of the Treasury and the Clerk of the  
7 Superior Court and original letters including authorization to accept service of  
8 process and death certificate, ~~[\$40.00]~~ \$125.00, and for other documents,  
9 \$5.00 per page.

10  
11 Administration ad prosequendum, ~~[\$25.00]~~ \$50.00, and for other  
12 documents, \$5.00 per page.

13  
14 Exemplifying administration, ~~[\$20.00]~~ \$75.00.

15  
16 Certified copy of administration, ~~[\$15.00]~~ \$50.00.

17  
18 Affidavits of surviving spouse or next of kin where the value of the real and  
19 personal assets of the estate does not exceed ~~[\$10,000.00]~~ \$20,000.00 or  
20 ~~[\$5,000.00]~~ \$10,000.00, respectively, [when less than \$100.00, \$2.00 and  
21 \$2.00] \$5.00 for each \$100.00 or part thereof [, in excess of \$100.00]. Total  
22 cost shall not exceed ~~[\$25.00]~~ \$50.00. This fee is waived where the value of  
23 the assets of the estate does not exceed \$200.00.

24  
25 [Affidavit of heir where the value of the real and personal assets of the  
26 estate does not exceed \$5,000.00, \$10.00.]

27  
28 LETTERS OF GUARDIANSHIP

29  
30 Granting letters of guardianship, acceptance of guardianship and filing of  
31 power of attorney, ~~[\$20.00]~~ \$50.00.

32  
33 Affidavits of estates of minors where value of real and personal estate does  
34 not exceed \$5,000.00, ~~[\$3.00]~~ \$5.00 per page.

35  
36 Miscellaneous petitions and orders, ~~[\$3.00]~~ \$5.00 per page.

37  
38 INVENTORIES

39  
40 For all services in appointment of appraisers, ~~[\$10.00]~~ \$25.00.

41  
42 Filing, entering and recording, microfilming or photostating, inventory and  
43 appraisal, not exceeding one page, and affidavits of appraisers and  
44 executor, ~~[\$15.00]~~ \$25.00.

45 For each additional page, ~~[\$3.00]~~ \$5.00.

ACCOUNTING

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

For filing complaint and one page of accounting, \$175.00.

For auditing, stating, reporting and recording, microfilming or photostating, accounts of executors, administrators, guardians, trustees and assignees, including drawing judgment, but exclusive of advertising costs:

In estates up to and including \$2,000.00, [~~\$50.00~~] no additional fee.

In estates from \$2,001.00 to and including \$10,000.00, [~~\$70.00~~] \$100.00.

In estates from \$10,001.00 to and including \$30,000.00, [~~\$85.00~~] \$125.00.

In estates from \$30,001.00 to and including \$65,000.00, [~~\$100.00~~] \$150.00.

In estates from \$65,001.00 to and including \$200,000.00, [~~1/5~~] 3/10 of 1% but not less than \$300.00.

In estates exceeding \$200,000.00--~~[1/10]~~ 4/10 of 1%, but not less than \$400.00.

For each page of accounting in excess of one, [~~\$3.00~~] \$5.00.

In computing the amount of an estate for the purpose of fixing the fees of a surrogate for auditing and reporting the account, the balance from the prior account shall be excluded.

For preparing notice of settlement of accounts and copies of the same, forwarding notice to newspaper, with directions as to publication, obtaining proofs of publication, keeping a record of notices and newspapers to which they are sent and of the moneys received to defray the cost of advertising and transmitting advertising charges to newspaper, [~~\$25.00~~] \$50.00.

No fees herein allowed shall be charged against the recipient of any pension, bounty or allowance, for services of the surrogate and the Probate Part of the ~~[Law]~~ Chancery Division of the Superior Court in respect thereof, pursuant to N.J.S.3B:13-9 to 3B:13-14.

MISCELLANEOUS PROCEEDINGS

Proceedings relative to presumption of death, filing, entering and recording, microfilming or photostating (exclusive of letters), with additional fee for advertising, [~~\$75.00~~] \$175.00.

Sale of land to pay debts (exclusive of advertising), [~~\$50.00~~] \$175.00.

Sale of land in fulfillment of contract made by decedent, [~~\$50.00~~] \$175.00.

Sale of lands within one year, [~~\$50.00~~] \$175.00.

Sale of minor's land, [~~\$50.00~~] \$175.00.

1 Distribution, filing and entering complaint, recording, microfilming or  
2 photostating, and filing judgment, ~~[\$50.00]~~ \$175.00.

3  
4 Filing of first paper in action in the Superior Court, Chancery Division,  
5 Probate Part, \$175.00.

6  
7 Filing of answering pleadings or other answering papers in Superior Court,  
8 Chancery Division, Probate Part (First paper filed by anyone other than  
9 Plaintiff), \$110.00.

10  
11 Adoption of adults, filing and entering proceedings (all papers) including one  
12 judgment, ~~[\$75.00]~~ \$175.00.

13  
14 Adoption of minors [with one hearing], filing and entering proceedings (all  
15 papers) including one judgment, ~~[\$75.00]~~ \$175.00.

16  
17 [Adoption of minors with two or more hearings, filing and entering  
18 proceedings (all papers) including one judgment, \$75.00.]

19  
20 Application and order to limit time to creditors, ~~[\$25.00]~~ \$40.00, but  
21 exclusive of advertising costs.

22  
23 Application for relief subsequent to final judgment in the Superior Court,  
24 Chancery Division, Probate Part, \$25.00.

25  
26 Preparing notices to creditors to present their claims and copies of the same,  
27 sending notice to newspapers with directions as to publication, obtaining proofs  
28 of publication, keeping a record of notices and newspapers to which they are  
29 sent for publication, and of the moneys received to defray the cost of  
30 advertising and transmitting advertising charges to newspapers, \$10.00.

31  
32 Advertising order of court or notice, when done by the surrogate, ~~[\$5.00]~~  
33 \$10.00, in addition to advertising fees.

34  
35 Proceedings for the appointment of a conservator, with or without jury trial,  
36 ~~[\$75.00, with trial by jury, \$75.00]~~ \$175.00.

37  
38 Proceeding for the determination of [mental incompetency] incapacity and  
39 for the appointment of a guardian for an alleged [mental incompetent]  
40 incapacitated person, with or without jury trial, ~~[\$75.00, with trial by jury,~~  
41 ~~\$75.00]~~ \$175.00.

42  
43 Proceedings in connection with payment into court of proceeds of a  
44 judgment in favor of a minor, in lieu of bond, pursuant to N.J.S. 3B:15-16 and  
45 N.J.S.3B:15-17 (in addition to fees payable under Letters of Guardianship), the

1 following fees are payable upon withdrawal of funds on deposit:

2 For each withdrawal including petitions and orders provided and prepared  
3 by the surrogate for withdrawal of funds for court approval:

4 Up to and including \$500.00, [~~\$10.00~~] \$20.00.

5

6 From \$501.00 to and including \$1,000.00, [~~\$15.00~~] \$25.00.

7

8 From \$1,001.00 to and including \$5,000.00, [~~\$20.00~~] \$30.00.

9

10 From \$5,001.00 to and including \$10,000.00, [~~\$25.00~~] \$35.00.

11

12 From \$10,001.00 to and including \$25,000, \$40.00.

13

14 From \$25,001.00 to and including \$50,000.00, [~~\$30.00~~] \$60.00.

15

16 In excess of \$50,000.00, [~~\$50.00~~] \$100.00.

17

18 MISCELLANEOUS CHARGES

19

20 Short certificates, [~~\$3.00~~] \$5.00.

21

22 Validating short certificate within one year of issue of date, [~~\$1.00~~] \$3.00.

23

24 [~~Subpenas~~] Subpoenas, each, [~~\$5.00~~] \$25.00.

25

26 Marking true copies, [~~subpenas~~] subpoenas, each, [~~\$2.00~~] \$3.00.

27

28 Marking true copies, orders to show cause, each, [~~\$2.00~~] \$3.00.

29

30 Marking true copies of other papers, each, [~~\$2.00~~] \$3.00.

31

32 Authorization of process, [~~\$3.00~~] \$5.00.

33

34 Swearing each witness, [~~\$1.00~~] \$2.00.

35

36 Adjournment or continuance, [~~\$3.00~~] \$15.00.

37

38 Miscellaneous orders of court, first page, [~~\$3.00~~] \$5.00.

39

40 For each additional page, [~~\$3.00~~] \$5.00.

41

42 Recording, microfilming or photostating all papers not herein  
43 provided for, [~~\$3.00~~] \$5.00 for each page.

44

45 For making copies not otherwise provided for, \$3.00 for each page.

1 Filing transcript of death certificate, [~~\$3.00~~] \$5.00.

2

3 Power of attorney, per page [~~\$3.00~~] \$5.00 plus \$5.00 for certified mail.

4

5 Search fee, per estate \$10.00

6

7 Proceedings relative to appointment of a guardian ad litem, [~~\$15.00~~]

8 \$25.00.

9

10 Renunciation by one person, filing, entering and recording, or  
11 photostating, [~~\$3.00~~] \$5.00. Each additional person, [~~\$1.00~~] \$3.00.

12

13 Caveat, filing or withdrawing, [~~\$10.00~~] \$25.00.

14

15 Combined refunding bond and release of not more than two pages, filing,  
16 entering, microfilming and recording, or photostating, [~~\$6.00~~] \$10.00. [For  
17 more than two pages, \$3.00] \$5.00 for each additional page. Additional  
18 charge for county clerk's certificate, [~~\$2.00~~] \$5.00.

19

20 Release of not more than two pages of refunding bond and release, [~~\$6.00~~]  
21 \$10.00. [For more than two pages, \$3.00] \$5.00 for each additional page.  
22 Additional charge for county clerk's certificate, [~~\$2.00~~] \$5.00.

23

24 Assignments of legacy or interest, [~~\$3.00~~] \$10.00 per page, plus [~~\$2.00~~]  
25 \$5.00 where county clerk's certificate is necessary.

26

27 Filing all papers not herein provided for, [~~\$3.00~~] \$5.00, if microfilming  
28 process is used, [~~\$3.00~~] \$5.00 per page.

29

30 Plain copy of two-page will, \$6.00.

31

32 Each additional page, \$3.00.

33

34 Filing of motions in the Superior Court, Chancery Division, Probate Part,  
35 \$15.00.

36

37 Notice of appeal (trial court), \$10.00.

38

39 Minimum charge for all other papers or services in proceedings in the  
40 Superior Court, Chancery Division, Probate Part, \$5.00.

41

42 3B:14-48 Service of Process by Surrogate, \$25.00.

43

44 Duplicating or copying of microfiche, digital tape, high density disks,  
45 optically scanned and recorded materials or for any other media used to record



1 or preserve records, \$150.00 per medium recorded.

2

3 Processing fee for returned check, \$20.00 plus bank fee.

4 (cf: P.L.1988, c.109, s.1).

5

6 4. Section 2 of P.L.1965, c.123 (C.22A:4-4.1) is amended to read as  
7 follows:

8 2. County clerks and registers of deeds and mortgages, in counties having  
9 such offices, shall charge for the services herein enumerated the following fees:

|                                                                                                                                                                                                                           | Fee                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| 11 For recording veteran's discharge papers . . . . .                                                                                                                                                                     | No fee                                |
| 12 For recording any instrument:                                                                                                                                                                                          |                                       |
| 13 First page . . . . .                                                                                                                                                                                                   | [ <del>\$15.00</del> ] <u>\$25.00</u> |
| 14 Each additional page or part thereof . . . . .                                                                                                                                                                         | [ <del>\$ 2.00</del> ] <u>\$ 5.00</u> |
| 15 Each rider, insertion, addition, or any map,<br>16 plat or sketch filed or recorded<br>17 pursuant to [paragraph] subsection (c)<br>18 of section 2 of P.L.1957, c.130 (C.48:3-17.3) . . .                             | [ <del>\$ 2.00</del> ] <u>\$ 5.00</u> |
| 19 For entering the marginal notation of an order<br>20 judgment, statement or warrant discharging,<br>21 annulling a notice of lis pendens and<br>22 for filing such order, judgment or<br>23 statement . . . . .        | [ <del>\$ 3.00</del> ] <u>\$ 5.00</u> |
| 24 <u>For filing a lis pendens foreclosure. . . . .</u>                                                                                                                                                                   | <u>\$25.00</u>                        |
| 25 <u>Notation . . . . .</u>                                                                                                                                                                                              | <u>\$5.00</u>                         |
| 26 For preparing and transmitting to the assessor,<br>27 collector, or other custodian of the assessment<br>28 map of any taxing district, the abstract of an<br>29 instrument evidencing title to<br>30 realty . . . . . | [ <del>\$ 3.00</del> ] <u>\$ 5.00</u> |
| 31 For entering the marginal notation of a<br>32 discharge or release of a New Jersey building<br>33 and loan or savings and loan mortgage and<br>34 forwarding abstract . . . . .                                        | [ <del>\$ 3.00</del> ] <u>\$ 5.00</u> |
| 35 For entering the marginal notation of a<br>36 discharge, assignment, postponement or<br>37 release of a mortgage, other than building and<br>38 loan and savings and loan mortgages . . . . .                          | [ <del>\$ 3.00</del> ] <u>\$ 5.00</u> |
| 39 For the cancellation of any mortgage . . . . .                                                                                                                                                                         | [ <del>\$ 8.00</del> ] <u>\$15.00</u> |
| 40 For a marginal notation of the discharge of<br>41 a mortgage in counties where mortgages are<br>42 indexed under a system requiring a duplication<br>43 of indices and description . . . . .                           | [ <del>\$ 3.00</del> ] <u>\$ 5.00</u> |
| 44 For filing and recording notice of federal<br>45 tax lien or other federal lien or certificate                                                                                                                         |                                       |

|    |                                                          |           |                |
|----|----------------------------------------------------------|-----------|----------------|
| 1  | discharging such lien . . . . .                          | [\$ 8.00] | <u>\$20.00</u> |
| 2  | <u>For filing a notice of settlement. . . . .</u>        |           | \$15.00        |
| 3  | For filing each map, plat, plan or chart                 |           |                |
| 4  | (except when presented by the State or                   |           |                |
| 5  | its agencies or filed pursuant to [paragraph] subsection |           |                |
| 6  | (c) of section 2 of P.L.1957, c.130                      |           |                |
| 7  | (C.48:3-17.3)) . . . . .                                 | [\$18.00] | <u>\$50.00</u> |
| 8  | For recording tax sale certificate, except               |           |                |
| 9  | by municipalities, or a redemption or assignment         |           |                |
| 10 | of tax sale certificate, first page . . . . .            | [\$15.00] | <u>\$25.00</u> |
| 11 | Each additional page or part thereof . . . . .           | [\$ 2.00] | <u>\$ 5.00</u> |
| 12 | Certified copy of veteran's discharge . . . . .          |           | \$ 1.00        |
| 13 | For indexing any recorded instrument                     |           |                |
| 14 | in excess of [10] 5 parties, per each name               |           |                |
| 15 | in excess of [10] 5 . . . . .                            | [\$ 0.30] | <u>\$ 1.00</u> |
| 16 | For recording tax sale certificate, lien,                |           |                |
| 17 | deed, or related instrument by a                         |           |                |
| 18 | municipality . . . . .                                   |           | \$ 3.00        |
| 19 | <u>For recording vacations or dedications of roads,</u>  |           |                |
| 20 | <u>first page . . . . .</u>                              |           | <u>\$25.00</u> |
| 21 | <u>Each additional page or part thereof . . . . .</u>    |           | <u>\$ 5.00</u> |
| 22 | <u>For disclaimers . . . . .</u>                         |           | <u>\$10.00</u> |
| 23 | <u>For reimbursement agreements . . . . .</u>            |           | <u>No fee</u>  |
| 24 | (cf: P.L.1997, c.412, s.6)                               |           |                |

25  
26 5. N.J.S.22A:4-8 is amended to read as follows:  
27 22A:4-8. For the services hereinafter enumerated sheriffs and other officers  
28 shall receive the following fees:

29 In addition to the mileage allowed by law, for serving every summons and  
30 complaint, attachment or any mesne process issuing out of the Superior Court,  
31 the sheriff or other officer serving such process shall, for the first defendant or  
32 party on whom such process is served, be allowed ~~[\$12.00]~~ \$22.00 and, for  
33 service on the second defendant named therein, ~~[\$10.00]~~ \$20.00, and for  
34 serving such process on any other defendant or defendants named therein,  
35 ~~[\$6.00]~~ \$16.00 each, and no more. If a man and his wife be named in such  
36 process they shall be considered as one defendant, except where they are living  
37 separate and apart.

38 Serving summons and complaint in matrimonial actions, in addition to  
39 mileage, ~~[\$12.00]~~ \$22.00.

40 Serving capias ad respondendum, capias ad satisfaciendum, warrant of  
41 commitment, writ of ne exeat, in addition to mileage, ~~[\$35.00]~~ \$48.00.

42 Serving order to summon juries and return, ~~[\$1.75]~~ \$8.00.

43 Serving every execution against goods or lands and making an inventory and  
44 return, in addition to mileage, ~~[\$35.00]~~ \$48.00.

45 For returning every writ, ~~[\$1.00]~~ \$2.00.

1 Executing every writ of possession and return, in addition to mileage,  
2 ~~[\$35.00]~~ \$48.00.

3 Executing every writ of attachment, sequestration or replevin issuing out of  
4 any of the courts, in addition to mileage, ~~[\$35.00]~~ \$48.00.

5 For serving each out-of-State paper, in addition to the mileage allowed by  
6 law, ~~[\$15.00]~~ \$25.00 for the first defendant on whom such paper is served,  
7 ~~[\$10.00]~~ \$20.00 for service on the second defendant named therein, and  
8 ~~[\$6.00]~~ \$16.00 for serving such paper on any other defendant or defendants  
9 named therein. If a man and wife be named in such paper, they shall be  
10 considered as one defendant, except where they are living separate and apart.

11 For serving or executing any process or papers where mileage is allowed by  
12 law, the officer shall receive mileage actually traveled to and from the  
13 courthouse, at the rate per mile of \$0.16.

14 The sheriff shall be entitled to retain out of all moneys collected or received  
15 by him on a forfeited recognizance, whether before or after execution, or from  
16 amercements, or from fines and costs on conviction, on indictment or  
17 otherwise, whether such moneys are payable to the State or to the county  
18 treasurer of the county wherein conviction was had, 5%.

19 For transporting each offender to the State Prison, per mile, but not less than  
20 \$3.00 for each offender, to be certified by the keeper of the prison and the  
21 certificate to be delivered to the county treasurer of the county where the  
22 conviction was had, \$0.23.

23  
24 EXECUTION SALES  
25

26 When a sale is made by virtue of an execution the sheriff shall be entitled to  
27 charge the following fees: On all sums not exceeding \$5,000.00, ~~[4%]~~ 6%; on  
28 all sums exceeding \$5,000.00 on such excess, ~~[2 1/2%]~~ 4%; the minimum fee  
29 to be charged for a sale by virtue of an execution, ~~[\$20.00]~~ \$50.00.

30 On an execution against wages, commissions and salaries, the sheriff shall  
31 charge the same percentage fees on all sums collected as those percentage fees  
32 applicable in cases wherein an execution sale is consummated.

33 When the execution is settled without actual sale and such settlement is  
34 made manifest to the officer, the officer shall receive 1/2 of the amount of  
35 percentage allowed herein in case of sale.

36 Making statement of execution, sales and execution fees, ~~[\$5.00]~~ \$10.00.

37 Advertising the property for sale, provided the sheriff or deputy sheriff  
38 attend in pursuance of the advertisement, ~~[\$10.00]~~ \$20.00.

39 Posting property for sale, ~~[\$7.00]~~ \$20.00.

40 For the crier of the vendue, when the sheriff proceeds to sell, for every day  
41 he shall be actually employed in such sale, ~~[\$3.00]~~ \$5.00.

42 Every adjournment of a sale, but no more than one adjournment shall be  
43 allowed, and if the sheriff shall have several executions against a defendant, he  
44 shall only be allowed for advertising, attending and adjourning, as if he had but  
45 one execution, ~~[\$20.00]~~ \$28.00.

1 Drawing and making a deed to a purchaser of real property, [~~\$35.00~~]  
2 \$75.00.

3 Drawing and making a bill of sale to the purchaser of personal property  
4 when such bill of sale is required or demanded, [~~\$15.00~~] \$20.00.

5 When more than one execution shall be issued out of the Superior Court  
6 upon any judgment, each sheriff to whom such execution shall be directed and  
7 delivered shall be entitled to collect and receive from the defendant named in  
8 such execution the fees allowed by law for making a levy and return and  
9 statement thereon, or for such other services as may be actually performed by  
10 him, and the sheriff who shall collect the amount named in said execution or  
11 any part thereof, shall be entitled to the legal percentage upon whatever amount  
12 may be so collected by him, but in case any such judgment shall be settled  
13 between the parties and the amount due thereon shall not be collected by either  
14 sheriff, then the percentage on the amount collected which would be due the  
15 sheriff thereon in case only one execution had been issued shall be equally  
16 divided among the several sheriffs in whose hands an execution in the same  
17 cause may have been placed.

18 The sheriff shall file his taxed bill of costs with the clerk of the court out of  
19 which execution issued, within such time as the court shall direct by general  
20 rule or special order, or, in default thereof, he shall not be entitled to any costs.  
21 If any sheriff shall charge in such bill of costs for services not done, or allowed  
22 by law, or shall take any greater fee or reward for any services by him done  
23 than is or shall be allowed by law, he shall be liable for the damages sustained  
24 by the party aggrieved including a penalty of \$30.00, to be recovered in a  
25 summary manner, in the action or proceeding wherein the execution was issued  
26 or otherwise.

27 (cf: P.L.1991, c.91, s.275).

28

29 6. (New section) a. The county treasurer shall be responsible for all fees  
30 received by or deposited with the county sheriff pursuant to N.J.S.22A:4-8.  
31 The county sheriff shall account to the county treasurer for all these fees.

32 b. The county treasurer shall deposit into a trust fund dedicated to the  
33 sheriff's office \$2.00 of each fee over the amount of \$3.00 received for a  
34 service enumerated in N.J.S.22A:4-8. Such sums shall be deposited within 10  
35 days of receipt by the county treasurer. Monies in the trust fund shall be used  
36 to upgrade and modernize the services provided by their offices. As used in  
37 this section, "to upgrade and modernize the services" shall not include the costs  
38 associated with employing personnel and shall not include offset of existing  
39 salary or new positions. The monies in the trust fund shall not be used for  
40 budgetary reduction by the counties.

41 c. Notwithstanding any provision of law to the contrary, monies received  
42 by a county sheriff attributable solely to the amount of fee increases for services  
43 enumerated in N.J.S.22A:4-8 pursuant to the amendments set forth in section  
44 5 of P.L. , c. (now pending before the Legislature as this bill), that exceed  
45 in any year the amount by which the annual minimum salary of the sheriff fixed  
46 pursuant to N.J.S.40A:9-104 exceeds the amount of the county sheriff's salary

1 in effect on November 1, 2000, shall be used for budgetary reduction by the  
2 county and shall be reflected as a county tax levy reduction.

3  
4 7. N.J.S.22A:4-17 is amended to read as follows:

5 22A:4-17. All fees, costs, allowances, percentages and other perquisites of  
6 whatever kind which surrogates, county clerks in their several capacities,  
7 registers of deeds and mortgages, and sheriffs or persons employed in their  
8 offices are entitled to charge and receive for any official acts or services they  
9 may render shall be for the sole use of the county and shall be accounted for  
10 regularly to the county treasurer; however, such monies shall be utilized to  
11 increase the salaries of surrogates, county clerks, registers of deeds and  
12 mortgages and sheriffs, except as provided in section 6 of P.L. \_\_\_\_\_, c.  
13 (C. \_\_\_\_\_) (now pending before the Legislature as this bill), section 7 of  
14 P.L.1985, c.422 (C.22A:4-17.1) and section 4 of P.L.1988, c.109 (C.22A:4-  
15 17.2).

16 Such accounting shall be made on or before the fifteenth day of each month  
17 on form blanks supplied by the county treasurer. The statement of account shall  
18 clearly set forth all sums charged or taxed or which shall have accrued or  
19 become payable during the preceding month. Such statements shall be made  
20 under oath and filed in the office of the county treasurer as public records.

21 Such statements when received by the county treasurer shall be forthwith  
22 audited by the county auditor or other proper officer.

23 On or before the twentieth day of each month surrogates, county clerks,  
24 registers of deeds and mortgages, and sheriffs shall pay over the amount of  
25 such fees and moneys to the county treasurer and such officers shall be  
26 personally liable to the county for such fees and moneys.

27 The penalty for each day's neglect to file the required statement of account  
28 or to pay over such moneys shall be one hundred dollars (\$100.00) to be  
29 recovered in the name of the board of chosen freeholders of the county in a  
30 civil action in the Superior Court, and said officers may also be proceeded  
31 against by proceeding in lieu of prerogative writ.

32 (cf: P.L.1991, c.91, s.276)

33  
34 8. Section 4 of P.L.1988, c.109 (C.22A:4-17.2) is amended to read as  
35 follows:

36 4. a. The county treasurer shall return to the county surrogate \$2.00 of  
37 each fee received for the probate of a will; for the grant of general  
38 administration; for the grant of letters of guardianship [for a minor and]; for  
39 the grant of letters of trusteeship for the filing of inventories; for the filing of  
40 accountings; and for any other proceeding filed, recorded or issued in the  
41 surrogate's court. Such sums shall be returned within 10 days of receipt by the  
42 county treasurer.

43 b. Monies received by the county surrogates pursuant to the provisions  
44 of subsection a. of this section shall be used to upgrade and modernize the  
45 services provided by their offices. These monies shall not be used for  
46 budgetary reduction by the counties.

1 c. Notwithstanding any provision of law to the contrary, monies received by  
2 a county surrogate attributable solely to the amount of fee increases for  
3 services enumerated in N.J.S.22A:2-30 pursuant to the amendments set forth  
4 in section 3 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (now pending before the Legislature as this bill),  
5 that exceed in any year the amount by which the annual minimum salary of the  
6 surrogate fixed pursuant to N.J.S.2B:14-3 exceeds the amount of the  
7 surrogate's salary in effect on November 1, 2000, shall be used for budgetary  
8 reduction by the county and shall be reflected as a county tax levy reduction.  
9 (cf: P.L.1988, c.109, s.4)

10  
11 9. Section 7 of P.L.1985, c.422 (C.22A:4-17.1) is amended to read as  
12 follows:

13 7. a. The county treasurer shall return to the county clerk or the register  
14 of deeds and mortgages \$2.00 of each fee received for the recording, filing or  
15 cancelling of a document in the office of the county clerk or register of deeds  
16 and mortgages. Such sums shall be returned within 10 days of receipt of the  
17 fee by the county treasurer.

18 b. Monies received by the county clerks or registers of deeds and  
19 mortgages pursuant to the provisions of subsection a. shall be used to upgrade  
20 and modernize the services provided by their offices.

21 c. The provisions of subsection a. shall not apply to fees received from  
22 municipalities for recording, filing or cancelling documents.

23 d. Notwithstanding any provision of law to the contrary, monies received  
24 by a county clerk attributable solely to the amount of fee increases for services  
25 enumerated in N.J.S.22A:2-29 pursuant to the amendments set forth in section  
26 2 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (now pending before the Legislature as this bill) and  
27 enumerated in section 2 of P.L.1965, c.123 (C.22A:4-4.1) pursuant to the  
28 amendments set forth in section 4 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (now pending before the  
29 Legislature as this bill), that exceed in any year the amount by which the annual  
30 minimum salary of the county clerk fixed pursuant to N.J.S.40A:9-76 exceeds  
31 the amount of the county clerk's salary in effect on November 1, 2000, shall be  
32 used for budgetary reduction by the county and shall be reflected as a county  
33 tax levy reduction.

34 e. Notwithstanding any provision of law to the contrary, monies received  
35 by a register of deeds and mortgages attributable solely to the amount of fee  
36 increases for services enumerated in section 2 of P.L.1965, c.123 (C.22A:4-  
37 4.1) pursuant to the amendments set forth in section 4 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (now  
38 pending before the Legislature as this bill) that exceed in any year the amount  
39 by which the annual minimum salary of the register of deeds and mortgages  
40 fixed pursuant to N.J.S.40A:9-92 exceeds the amount of the salary of the  
41 register of deeds and mortgages in effect on November 1, 2000, shall be used  
42 for budgetary reduction by the county and shall be reflected as a county tax  
43 levy reduction.

44 (cf: P.L.1989, c.301, s.1)

45

46 10. N.J.S.40A:9-76 is amended to read as follows:

1 40A:9-76. The board of chosen freeholders in each county, by resolution,  
2 shall fix the annual salary of the county clerk [as follows:

3 In counties having a population in excess of 600,000, not less than  
4 \$24,000.00 or more than the board of chosen freeholders may by resolution  
5 duly authorize per annum;

6 In counties having a population in excess of 400,000, but not more than  
7 600,000, not less than \$21,000.00, or more than the board of chosen  
8 freeholders may by resolution duly authorize per annum;

9 In counties having a population in excess of 190,000, but not more than  
10 400,000, not less than \$18,000.00 or more than the board of chosen freeholders  
11 may by resolution duly authorize per annum;

12 In counties having a population of 190,000 or less, not less than \$15,000.00  
13 or more than the board of chosen freeholders may by resolution duly authorize  
14 per annum.] in an amount equal to not less than sixty-five percent (65%) of the  
15 annual salary of a Judge of the Superior Court. Nothing in this section shall be  
16 construed to require that a county clerk whose annual salary exceeds the  
17 amount provided for herein shall be reduced, or that a board of chosen  
18 freeholders may not increase the salary of a county clerk in excess of the  
19 amount provided for herein.

20 Nothing in this section shall authorize the fixing of the salary of any person  
21 holding the office of county clerk at any amount less than that now payable  
22 pursuant to law, so long as the said person shall hold such office during the  
23 present and any consecutively ensuing term or terms, nor shall anything in this  
24 section authorize the payment of any salary for which a range is established in  
25 an amount less than the minimum of said range.

26 The salary of said officer shall be paid by the proper county disbursing  
27 officer in the same manner as county officers and employees are paid.

28 (cf: P.L.1974, c.153, s.1)

29

30 11. N.J.S.40A:9-92 is amended to read as follows:

31 40A:9-92. The board of chosen freeholders in each county, by resolution,  
32 shall fix the annual salary of the register of deeds and mortgages [as follows:

33 In counties having a population in excess of 600,000, not less than  
34 \$24,000.00 or more than the board of chosen freeholders may by resolution  
35 duly authorize per annum;

36 In counties having a population in excess of 400,000, but not more than  
37 600,000, not less than \$21,000.00 or more than the board of chosen freeholders  
38 may by resolution duly authorize per annum;

39 In counties having a population in excess of 190,000, but not more than  
40 400,000, not less than \$18,000.00 or more than the board of chosen freeholders  
41 may by resolution duly authorize per annum;

42 In counties having a population of 190,000 or less, not less than \$15,000.00  
43 or more than the board of chosen freeholders may by resolution duly authorize  
44 per annum.] in an amount equal to not less than sixty-five percent (65%) of the  
45 annual salary of a Judge of the Superior Court. Nothing in this section shall be  
46 construed to require that a register whose annual salary exceeds the amount

1 provided for herein shall be reduced, or that a board of chosen freeholders may  
2 not increase the salary of a register in excess of the amount provided for herein.

3 Nothing in this section shall authorize the fixing of the salary of any person  
4 holding the office of register of deeds and mortgages at any amount less than  
5 that now payable pursuant to law, so long as the said person shall hold such  
6 office during the present and any consecutively ensuing term or terms, nor  
7 shall anything in this section authorize the payment of any salary for which a  
8 range is established in an amount less than the minimum of said range.

9 The salary of said officer shall be paid by the proper county disbursing  
10 officer in the same manner as county officers and employees are paid.

11 (cf: P.L.1974, c.153, s.2)

12

13 12. N.J.S.40A:9-104 is amended to read as follows:

14 40A:9-104. The board of chosen freeholders in each county, by resolution,  
15 shall fix the annual salary of the sheriff [as follows:

16 In counties having a population in excess of 600,000, not less than  
17 \$24,000.00 or more than the board of chosen freeholders may by resolution  
18 duly authorize per annum;

19 In counties having a population in excess of 400,000, but not more than  
20 600,000, not less than \$21,000.00 or more than the board of chosen freeholders  
21 may by resolution duly authorize per annum;

22 In counties having a population in excess of 190,000, but not more than  
23 400,000, not less than \$18,000.00 or more than the board of chosen freeholders  
24 may by resolution duly authorize per annum;

25 In counties having a population of 190,000 or less, not less than \$15,000.00  
26 or more than the board of chosen freeholders may by resolution duly authorize  
27 per annum.] in an amount equal to not less than sixty-five percent (65%) of the  
28 annual salary of a Judge of the Superior Court. Nothing in this section shall be  
29 construed to require that a sheriff whose annual salary exceeds the amount  
30 provided for herein shall be reduced, or that a board of chosen freeholders may  
31 not increase the salary of a sheriff in excess of the amount provided for herein.

32 Nothing in this section shall authorize the fixing of the salary of any person  
33 holding the office of sheriff at any amount less than that now payable pursuant  
34 to law, so long as the said person shall hold such office during the present and  
35 any consecutively ensuing term or terms, nor shall anything in this section  
36 authorize the payment of any salary for which a range is established in an  
37 amount less than the minimum of said range.

38 The salary of said officer shall be paid by the proper county disbursing  
39 officer in the same manner as county officers and employees are paid.

40 (cf: P.L.1974, c.153, s.3)

41

42 <sup>1</sup>[13. R.S.56:3-16 is amended to read as follows:

43 56:3-16. The registration of names, marks or other devices shall be by filing  
44 in the office of the [clerk of the county in which the principal office of the  
45 person or corporation seeking registration is situated and in the office of the]  
46 Secretary of State, descriptions of such names, marks or other devices. If the



1 applicant for registration has no principal office in this State the names, marks  
2 or other devices may be registered by filing descriptions thereof in the office of  
3 the [clerk of any county in which the applicant does business and in the office  
4 of the] Secretary of State.

5 For each filing as herein provided the Secretary of State shall receive a fee  
6 of \$20.00 [and the county clerk shall receive a fee of \$5.00].

7 (cf: P.L.1971, c.171, s.6)]<sup>1</sup>

8

9 <sup>1</sup>13. (New section) With regard to all increased check off fee charges, the  
10 revenues from which are dedicated to upgrading and modernizing the services  
11 provided by the offices of constitutional officers, pursuant to the provisions of  
12 P.L. , c. (C. ) (pending before the Legislature as this bill) or any  
13 other provision of law:

14 a. Each constitutional officer shall prepare and submit to the board of  
15 chosen freeholders, for its approval, a five-year capital plan setting forth the  
16 capital purposes to which the check off fee revenues are to be applied, which  
17 purposes shall include improving recording and election related records when  
18 applicable;

19 b. Any dispute concerning the use of the check off fee revenues shall be  
20 submitted to and resolved by the assignment judge of the county, who shall be  
21 the final arbiter of such disputes;

22 c. Check off fee revenues shall not be used for budgetary reduction by the  
23 county and the Director of the Division of Local Government Services in the  
24 Department of Community Affairs shall require the amendment of any county  
25 budget that is not in compliance with the requirements of this subsection;

26 d. Interest earned on check off fee revenues held in a dedicated or trust  
27 account shall accrue to that account and shall be used only for the purposes of  
28 check off fee revenues.<sup>1</sup>

29

30 14. This act shall take effect immediately.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 553**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 20, 2001

The Assembly Appropriations Committee reports favorably Senate Bill No. 553 SCS (1R).

Senate Bill No. 553 SCS (1R) increases fees paid to county clerks, sheriffs, surrogates and other officers for enumerated services. These fee increases would enhance county revenues and more accurately reflect the costs incurred in providing these services. The bill establishes some additional fees for the processing of documents and the provision of services such as the faxing of documents, which are not presently set statutorily. The bill also eliminates certain archaic references involving filing fees.

Additionally, section 6 of the bill requires that \$2.00 of each fee collected over the amount of \$3.00 for services enumerated in N.J.S.22A:4-8 be remitted to the county sheriffs to be used to upgrade and modernize the services provided by their offices. Section 13 of the bill refers to the \$2 fee as a "check off" fee. "Check off" fees are those fees returned by the county treasurer to the county clerk, register of deeds and mortgages, surrogate, and sheriff pursuant to section 7 of P.L.1981, c.422 (C.22A:4-17.1), section 4 of P. L. 1988, c.109 (C.22A:4-17.2) and section 6 of this bill. Currently, monies received for those enumerated services go to the county treasury. The bill requires that the remittance be made within ten days of receipt by the county treasurer. This language is patterned after language contained in section 7 of P.L.1985, c.422 (C.22A:4-17.1) pertaining to county clerks or registers of deeds and mortgages. The bill specifies that "to upgrade and modernize the services" provided by the sheriff's office shall not include the costs associated with employing personnel. Section 13 addresses this more broadly, and is intended to ensure that increases in check off fee revenues beyond amounts needed to pay for salary increases are used to upgrade and modernize the services provided by those offices and not for any other purposes.

The section requires that the "constitutional officers" (the county clerk, surrogate, and sheriff named in the New Jersey Constitution and

the similar register of deeds and mortgages) that receive checkoff fees prepare a five-year capital plan for submission to the board of chosen freeholders concerning the capital uses to which the fees will be applied. The understanding of the committee is that the capital planning requirements of section 13 apply to the registers of deeds, although registers are not enumerated in the constitution. The county assignment judge is designated as the final arbiter of any disputes concerning spending the check off fee revenues.

The bill sets the salaries for surrogates, county clerks, registers of deeds and mortgages and sheriffs in an amount equal to not less than 65% of the annual salary of a Judge of the Superior Court. It would be within the discretion of the county board of chosen freeholders to increase a salary in excess of that amount; however, an annual salary that exceeds that amount could not be reduced. The bill allows county boards of chosen freeholders to use fee monies to increase the salaries of surrogates, county clerks, registers of deeds and mortgages and sheriffs.

The bill provides that any increase in revenue, realized by the offices of the several constitutional officers as a result of the substitute's fee increases, that exceeds the amount necessary to increase the salaries of those respective officers to the minimum level established under the substitute shall be dedicated to reduction of the county property tax levy.

#### FISCAL IMPACT

The Administrative Office of the Courts estimates that the proposed fee increases would generate about \$3.4 million in annual revenue to offset the proposed salary increases.

With respect to those salary increases, the Office of Legislative Services (OLS) notes that with the enactment of P.L.1999, c.380, the salary of Judges of the Superior Court will, over a three-year phase-in period, increase to \$141,000 per year. Based on a proposed judicial salary of \$141,000, the OLS estimates that the cost of increasing the salaries of county clerks, sheriffs, surrogates and the register of deeds and mortgages to \$91,650 (65% of \$141,000) would total about \$1.44 million.

The OLS also notes that pursuant to N.J.S.A.40A:9-77, the salary of the deputy county clerk is set at 3/5 of that of the county clerk. Under N.J.S.A.40A:9-117 the salary of the undersheriff is set at no more than 90 percent of that of the Sheriff. As a result, as the salaries of the county clerk and sheriff are increased, additional costs would be incurred for increased salaries for these positions.

P.L. 2001, CHAPTER 370, *approved January 8, 2002*  
Senate Committee Substitute (*First Reprint*) for  
Senate, No. 553

1 **AN ACT** concerning certain fees and salaries of county clerks, sheriffs,  
2 surrogates and other officers, amending and supplementing Title  
3 22A of the New Jersey Statutes and amending various parts of the  
4 statutory law.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 1. N.J.S.2B:14-3 is amended to read as follows:  
10 2B:14-3. Salaries of Surrogates. **[Each]** The board of chosen  
11 freeholders in each county shall fix the Surrogate's annual salary by  
12 resolution in an amount equal to not less than sixty-five percent (65%)  
13 of the annual salary of a Judge of the Superior Court which shall not  
14 be diminished during the term of office or during any consecutive  
15 terms served by the Surrogate. Nothing in this section shall be  
16 construed to require that a surrogate whose annual salary exceeds the  
17 amount provided for herein shall be reduced, or that a board of chosen  
18 freeholders may not increase the salary of a surrogate in excess of the  
19 amount provided for herein.

20 (cf: N.J.S.2B:14-3)

21  
22 2. N.J.S.22A:2-29 is amended to read as follows:  
23 22A:2-29. Upon the filing, indexing, entering or recording of the  
24 following documents or papers in the office of the county clerk or  
25 deputy clerk of the Superior Court, such parties, filing or having the  
26 same recorded or indexed in the county clerk's office or with the  
27 deputy clerk of the Superior Court in the various counties in this State  
28 in all civil or criminal causes, shall pay the following fees in lieu of the  
29 fees heretofore provided for the filing, recording or entering of such  
30 documents or papers:

- 31 In general--
- 32 Issuing county clerk's certificate,
  - 33 any instrument.....**[\$3.00]** \$ 5.00
  - 34 Comparing and making copies,
  - 35 per sheet .....**[\$3.00]** \$2.00
  - 36 Copies of all papers, typing and comparing of
  - 37 photostat, per page .....**[\$1.50]** \$ 2.00
  - 38 Marking as a true copy, any instrument .....**[\$1.50]** \$ 2.00

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

**Matter underlined thus is new matter.**  
**Matter enclosed in superscript numerals has been adopted as follows:**  
<sup>1</sup> Assembly ALG committee amendments adopted December 13, 2001.

|    |                                                               |           |                |
|----|---------------------------------------------------------------|-----------|----------------|
| 1  | Exemplification, any instrument .....                         | [\$7.50]  | <u>\$10.00</u> |
| 2  | Plus \$1.00 per page of instrument.                           |           |                |
| 3  | Recording or filing all instruments not                       |           |                |
| 4  | herein stated .....                                           | \$7.50    |                |
| 5  | Bonds, bail, recognizances--                                  |           |                |
| 6  | Recording all official bonds with acknowledgment and          |           |                |
| 7  | proof of the execution thereof .....                          | \$9.00    |                |
| 8  | Filing and entering recognizance or civil bail .....          | \$9.00    |                |
| 9  | Filing discharge, attachment bond .....                       | \$9.00    |                |
| 10 | Filing satisfaction or order discharging                      |           |                |
| 11 | recognizance or civil bail .....                              | \$9.00    |                |
| 12 | Filing and recording filiation bond .....                     | \$9.00    |                |
| 13 | Filing satisfaction of or order discharging                   |           |                |
| 14 | filiation bond.....                                           | \$9.00    |                |
| 15 | Recording or discharging sheriff's bond .....                 | \$9.00    |                |
| 16 | Nonbusiness corporation, recording:                           |           |                |
| 17 | Certificates of incorporation of [corporations                |           |                |
| 18 | and associations not-for-profit, and of societies,            |           |                |
| 19 | clubs, credit unions,] churches, religious societies          |           |                |
| 20 | and congregations .....                                       | [\$15.00] | <u>\$25.00</u> |
| 21 | Amendments to certificates of incorporation[,                 |           |                |
| 22 | all corporations] <u>of churches, religious societies and</u> |           |                |
| 23 | <u>congregations</u> , recording .....                        | [\$15.00] | <u>\$25.00</u> |
| 24 | [All other corporate certificates, recording ...              | \$9.00]   |                |
| 25 | Bank merger agreements, recording:                            |           |                |
| 26 | [Three sheets or less] <u>First sheet</u> .....               | [\$15.00] | <u>\$25.00</u> |
| 27 | Each <u>additional</u> sheet [over three].....                | [\$ 3.00] | <u>\$ 5.00</u> |
| 28 | Certificates, each .....                                      | [\$ 3.00] | <u>\$ 5.00</u> |
| 29 | Tradenames, firms, partnerships:                              |           |                |
| 30 | Certificate of name, filing (see R.S.56:1-1                   |           |                |
| 31 | et seq.) .....                                                | [\$30.00] | <u>\$50.00</u> |
| 32 | Certificate of dissolution of tradename                       |           |                |
| 33 | (see R.S.56:1-6 et seq.) .....                                | [\$ 9.00] | <u>\$25.00</u> |
| 34 | <u>Partnership agreement (see R.S.42:1-1 et seq.)</u> .....   |           | <u>\$50.00</u> |
| 35 | [Bottles, et cetera, description                              |           |                |
| 36 | (see R.S.56:3-14 et seq.) .....                               | \$ 4.50]  |                |
| 37 | Building and loan or savings and loan associations:           |           |                |
| 38 | Change of name .....                                          | [\$15.00] | <u>\$25.00</u> |
| 39 | Dissolution .....                                             | [\$ 9.00] | <u>\$25.00</u> |
| 40 | Certificates for limited-dividend housing                     |           |                |
| 41 | associations, recording:                                      |           |                |
| 42 | <u>First page</u> .....                                       | [\$15.00] | <u>\$20.00</u> |
| 43 | <u>Each additional page</u> .....                             |           | <u>\$ 5.00</u> |
| 44 | Certificates for urban renewal associations,                  |           |                |
| 45 | recording:                                                    |           |                |

|    |                                                     |           |                 |
|----|-----------------------------------------------------|-----------|-----------------|
| 1  | <u>First page</u> .....                             | [\$15.00] | <u>\$20.00</u>  |
| 2  | <u>Each additional page</u> .....                   |           | \$ 5.00         |
| 3  | Judgments, et cetera--                              |           |                 |
| 4  | Recording judgments.....                            | [\$ 9.00] | <u>\$15.00</u>  |
| 5  | Filing, entering and recording judgment on bond     |           |                 |
| 6  | and warrant by attorney .....                       |           | \$37.50         |
| 7  | Certificate for docketing Superior Court            |           |                 |
| 8  | transcript.....                                     |           | \$ 9.00         |
| 9  | Recording assignment of judgment .....              |           | \$15.00         |
| 10 | Issuing transcript of judgment .....                |           | \$ 7.50         |
| 11 | Filing or entering on the record of discharge,      |           |                 |
| 12 | cancellation, release or satisfaction of a judgment |           |                 |
| 13 | by satisfaction piece, execution returned satisfied |           |                 |
| 14 | or otherwise .....                                  | [\$ 7.50] | <u>\$15.00</u>  |
| 15 | For recording and indexing postponement of the lien |           |                 |
| 16 | of judgment .....                                   | [\$15.00] | <u>\$20.00</u>  |
| 17 | Execution on judgment:                              |           |                 |
| 18 | Issuing warrant on court order .....                |           | \$ 9.00         |
| 19 | Drawing execution .....                             |           | \$ 9.00         |
| 20 | Recording execution .....                           |           | \$ 9.00         |
| 21 | Warrant for satisfaction .....                      |           | \$ 6.00         |
| 22 | Writ of attachment .....                            |           | \$ 9.00         |
| 23 | Writ of possession .....                            |           | \$ 9.00         |
| 24 | Writ of sequestration .....                         |           | \$ 9.00         |
| 25 | Discharge of writ .....                             |           | \$ 9.00         |
| 26 | Mandate .....                                       |           | \$15.00         |
| 27 |                                                     |           |                 |
| 28 | Liens--                                             |           |                 |
| 29 | Filing, indexing and recording mechanic's           |           |                 |
| 30 | lien claim .....                                    |           | \$ 9.00         |
| 31 | Recording, filing and noting on the record          |           |                 |
| 32 | the discharge, release or satisfaction of           |           |                 |
| 33 | a mechanic's lien claim .....                       |           | \$ 9.00         |
| 34 | Extension of lien claim .....                       |           | \$ 3.00         |
| 35 | Filing statement in mechanic's lien                 |           |                 |
| 36 | proceeding.....                                     |           | \$ 9.00         |
| 37 | Filing, recording and indexing mechanic's           |           |                 |
| 38 | notice of intention.....                            |           | \$ 4.50         |
| 39 | Filing a certificate discharging a mechanic's       |           |                 |
| 40 | notice of intention and noting the discharge        |           |                 |
| 41 | on the record thereof .....                         |           | \$ 4.50         |
| 42 | Filing certificate from court of commencement       |           |                 |
| 43 | of suit.....                                        |           | \$ 4.50         |
| 44 | Filing a court order amending a mechanic's          |           |                 |
| 45 | notice of intention .....                           |           | \$ 9.00         |
| 46 | <u>Construction lien</u> .....                      |           | <u>\$ 15.00</u> |

|    |                                                      |                          |
|----|------------------------------------------------------|--------------------------|
| 1  | <u>Notice of unpaid balance, discharge .....</u>     | <u>\$ 15.00</u>          |
| 2  | <u>Notation .....</u>                                | <u>\$ 5.00</u>           |
| 3  | <u>Bond .....</u>                                    | <u>\$ 25.00</u>          |
| 4  | Filing a court order to discharge notice             |                          |
| 5  | of intention and noting the discharge on             |                          |
| 6  | the record thereof .....                             | [\$ 9.00] <u>\$15.00</u> |
| 7  | Filing, recording and indexing stop                  |                          |
| 8  | notice .....                                         | \$ 4.50                  |
| 9  | Filing a certificate discharging a stop              |                          |
| 10 | notice and noting the discharge on                   |                          |
| 11 | the record thereof .....                             | \$ 4.50                  |
| 12 | Filing a court order discharging                     |                          |
| 13 | a stop notice and noting the discharge on the record |                          |
| 14 | thereof .....                                        | \$ 9.00                  |
| 15 | Filing building contract .....                       | [\$15.00] <u>\$25.00</u> |
| 16 | Filing discharge of building contract .....          | [\$ 9.00] <u>\$15.00</u> |
| 17 | <u>Notation .....</u>                                | <u>\$ 5.00</u>           |
| 18 | Filing building specifications .....                 | [\$ 7.50] <u>\$25.00</u> |
| 19 | Filing building plans .....                          | [\$ 7.50] <u>\$25.00</u> |
| 20 | Filing each notice of physician's lien .....         | [\$ 4.50] <u>\$15.00</u> |
| 21 | Entering upon the record the discharge               |                          |
| 22 | of a physician's lien.....                           | [\$ 4.50] <u>\$15.00</u> |
| 23 | Filing each hospital lien claim .....                | [\$ 4.50] <u>\$15.00</u> |
| 24 | Discharge of hospital lien.....                      | [\$ 4.50] <u>\$15.00</u> |
| 25 | Filing satisfaction or order for discharge           |                          |
| 26 | of attachment.....                                   | [\$ 9.00] <u>\$15.00</u> |
| 27 | Recording collateral inheritance                     |                          |
| 28 | waiver or receipt .....                              | [\$ 9.00] <u>\$15.00</u> |
| 29 | Recording inheritance tax waiver .....               | [\$ 9.00] <u>\$15.00</u> |
| 30 | Subordination, release, partial release              |                          |
| 31 | or postponement of a lien to                         |                          |
| 32 | lien of mortgage .....                               | [\$ 7.50] <u>\$20.00</u> |
| 33 | <u>Notation .....</u>                                | <u>\$ 5.00</u>           |
| 34 |                                                      |                          |
| 35 | Commissions and oaths--                              |                          |
| 36 | Administering oaths to notaries public and           |                          |
| 37 | commissioners of deeds.....                          | [\$ 7.50] <u>\$15.00</u> |
| 38 | For issuing certificate of authority of              |                          |
| 39 | notary to take proof, acknowledgment of              |                          |
| 40 | affidavit.....                                       | [\$ 3.00] <u>\$ 5.00</u> |
| 41 | For issuing each certificate of the commission       |                          |
| 42 | and qualification of notary public for filing        |                          |
| 43 | with other county clerks .....                       | [\$ 6.00] <u>\$15.00</u> |
| 44 | For filing each certificate of the commission        |                          |
| 45 | and qualification of notary public, in office        |                          |

1 of county clerk of county other than where  
2 such notary has qualified.....**[\$ 6.00] \$15.00**

3  
4 **Miscellaneous--**

5 Filing and recording proceedings for laying  
6 out, vacating or dedicating roads.....**[\$15.00] \$25.00**

7 Recording firemen's certificates .....No charge.

8 Registering physician .....**[\$15.00] \$25.00**

9 Issuing alcoholic beverage identification  
10 card .....**[\$ 6.00] \$10.00**

11 Issuing of nonalcoholic beverage identification  
12 card to persons under twenty-one years  
13 of age.....\$10.00

14 (cf: P.L.1985, c.422, s.4)

15  
16 3. N.J.S.22A:2-30 is amended to read as follows:  
17 22A:2-30. Fees of surrogate and deputy clerk of the Superior  
18 Court.

19 Fees for services of the surrogate and deputy clerk of the Superior  
20 Court enumerated below shall be as follows and shall be for the use of  
21 the county in which the fees are collected:

22  
23 **PROBATE OF WILLS AND COPIES**

24  
25 Probate of a will of not more than two pages, **[\$50.00] \$100.00.**  
26 Each additional page, \$ 5.00.

27  
28 The above fee is for all services in preparation and execution of  
29 complaint, filing proof of death, deposition of one witness,  
30 qualification of executor, filing power of attorney, surrogate's  
31 certificate, judgment for probate, letters testamentary, plain copy of  
32 will, binding, recording, microfilming or photostating, comparing,  
33 docketing, report to the Division of Taxation in the Department of the  
34 Treasury, report and transmission to the Clerk of the Superior Court.

35  
36 Probate of will of not more than two pages without letters,  
37 **[\$35.00] \$50.00.** Each additional page, \$ 5.00. This fee is for the  
38 same services as are enumerated in the preceding paragraph, except  
39 letters, surrogate's certificate and qualification of executor.

40  
41 Probate of each codicil, not exceeding one page, **[\$15.00] \$25.00.**

42  
43 Where codicil requires an additional witness, **[\$3.00] \$5.00.**

44  
45 To reopen probate proceedings for qualification of executor or



1 taking proof of extra witness, [~~\$15.00~~] \$25.00.

2

3 One witness in the above probate proceedings, no charge.

4 Each additional witness, [~~\$3.00~~] \$5.00.

5

6 Recording and comparing, microfilming or photostating, each  
7 additional page of will or codicil, [~~\$3.00~~] \$5.00.

8

9 Filing, entering, issuing and recording, microfilming or  
10 photostating, proceedings in commission for deposition of foreign  
11 witness to a will or codicil, [~~\$20.00~~] \$35.00. Plain extra copy of will,  
12 \$3.00 for each page.

13

14 Certified extra copy of will, [~~\$3.00~~] \$5.00 for each page, plus  
15 [~~\$3.00~~] \$5.00 for certificate.

16

17 Certified copy of will with proofs for New Jersey county, not  
18 exceeding two pages including will and codicil, [~~\$20.00~~] \$50.00. For  
19 pages in excess of two, [~~\$3.00~~] \$5.00 for each page.

20

21 Wills filed but not probated (as, where there are no assets), \$10.00  
22 for first two pages, \$5.00 for each additional page, [~~\$4.00~~] \$5.00 for  
23 cover letter stating no assets, \$5.00 for death certificate.

24

25 Exemplifying will for another state, not exceeding two pages  
26 including will and codicil, plus cost of certificate of Secretary of State  
27 when requisite, [~~\$25.00~~] \$75.00 (not including \$9.00 fee for  
28 exemplified forms). For pages in excess of two, [~~\$3.00~~] \$5.00 for  
29 each page.

30

31 Recording, microfilming or photostating, docketing, indexing, filing  
32 and reporting to the Division of Taxation in the Department of the  
33 Treasury an exemplified copy of will and probate proceedings from  
34 another state, [~~\$3.00~~] \$5.00 for each page.

35

36 Recording, microfilming or photostating, docketing, indexing and  
37 filing a certified copy of will with proofs from New Jersey, [~~\$3.00~~]  
38 \$5.00 for each page.

39

40 Recording, microfilming or photostating certified transcripts of  
41 wills admitted to probate and probate proceedings or letters of  
42 administration and administration proceedings granted by the Superior  
43 Court, [~~\$3.00~~] \$5.00 for each page.

1 LETTERS OF TRUSTEESHIP

2  
3 Acceptance of trustee and letters of trusteeship, including one  
4 certificate, [~~\$25.00~~] \$50.00.

5  
6 LETTERS OF ADMINISTRATION

7  
8 General administration, including preparation and execution of  
9 complaint, bond, surety affidavits, necessary recording, microfilming  
10 or photostating, indexing, filing, report to the Division of Taxation,  
11 including power of attorney and death certificate, in the Department  
12 of the Treasury and the Clerk of the Superior Court and original letters  
13 including authorization to accept service of process and death  
14 certificate, [~~\$40.00~~] \$125.00, and for other documents, \$5.00 per  
15 page.

16  
17 Administration ad prosequendum, [~~\$25.00~~] \$50.00, and for other  
18 documents, \$5.00 per page.

19  
20 Exemplifying administration, [~~\$20.00~~] \$75.00.

21  
22 Certified copy of administration, [~~\$15.00~~] \$50.00.

23  
24 Affidavits of surviving spouse or next of kin where the value of the  
25 real and personal assets of the estate does not exceed [~~\$10,000.00~~]  
26 \$20,000.00 or [~~\$5,000.00~~] \$10,000.00, respectively, [~~when less than~~  
27 ~~\$100.00, \$2.00 and \$2.00~~] \$5.00 for each \$100.00 or part thereof  
28 [~~, in excess of \$100.00~~]. Total cost shall not exceed [~~\$25.00~~] \$50.00.  
29 This fee is waived where the value of the assets of the estate does not  
30 exceed \$200.00.

31  
32 [Affidavit of heir where the value of the real and personal assets of  
33 the estate does not exceed \$5,000.00, \$10.00.]

34  
35 LETTERS OF GUARDIANSHIP

36  
37 Granting letters of guardianship, acceptance of guardianship and  
38 filing of power of attorney, [~~\$20.00~~] \$50.00.

39  
40 Affidavits of estates of minors where value of real and personal  
41 estate does not exceed \$5,000.00, [~~\$3.00~~] \$5.00 per page.

42  
43 Miscellaneous petitions and orders, [~~\$3.00~~] \$5.00 per page.

1 INVENTORIES

2

3 For all services in appointment of appraisers, [~~\$10.00~~] \$25.00.

4

5 Filing, entering and recording, microfilming or photostating,  
6 inventory and appraisal, not exceeding one page, and affidavits of  
7 appraisers and executor, [~~\$15.00~~] \$25.00.

8 For each additional page, [~~\$3.00~~] \$5.00.

9

10 ACCOUNTING

11

12 For filing complaint and one page of accounting, \$175.00.

13

14 For auditing, stating, reporting and recording, microfilming or  
15 photostating, accounts of executors, administrators, guardians,  
16 trustees and assignees, including drawing judgment, but exclusive of  
17 advertising costs:

18 In estates up to and including \$2,000.00, [~~\$50.00~~] no additional  
19 fee.

20 In estates from \$2,001.00 to and including \$10,000.00, [~~\$70.00~~]  
21 \$100.00.

22 In estates from \$10,001.00 to and including \$30,000.00, [~~\$85.00~~]  
23 \$125.00.

24 In estates from \$30,001.00 to and including \$65,000.00, [~~\$100.00~~]  
25 \$150.00.

26 In estates from \$65,001.00 to and including \$200,000.00, [~~1/5~~]  
27 3/10 of 1% but not less than \$300.00.

28 In estates exceeding \$200,000.00-- [~~1/10~~] 4/10 of 1%, but not less  
29 than \$400.00.

30 For each page of accounting in excess of one, [~~\$3.00~~] \$5.00.

31

32 In computing the amount of an estate for the purpose of fixing the  
33 fees of a surrogate for auditing and reporting the account, the balance  
34 from the prior account shall be excluded.

35 For preparing notice of settlement of accounts and copies of the  
36 same, forwarding notice to newspaper, with directions as to  
37 publication, obtaining proofs of publication, keeping a record of  
38 notices and newspapers to which they are sent and of the moneys  
39 received to defray the cost of advertising and transmitting advertising  
40 charges to newspaper, [~~\$25.00~~] \$50.00.

41 No fees herein allowed shall be charged against the recipient of any  
42 pension, bounty or allowance, for services of the surrogate and the  
43 Probate Part of the [~~Law~~] Chancery Division of the Superior Court  
44 in respect thereof, pursuant to N.J.S.3B:13-9 to 3B:13-14.

1 MISCELLANEOUS PROCEEDINGS

2

3 Proceedings relative to presumption of death, filing, entering and  
4 recording, microfilming or photostating (exclusive of letters), with  
5 additional fee for advertising, [~~\$75.00~~] \$175.00.

6 Sale of land to pay debts (exclusive of advertising), [~~\$50.00~~]  
7 \$175.00.

8

9 Sale of land in fulfillment of contract made by decedent, [~~\$50.00~~]  
10 \$175.00.

11

12 Sale of lands within one year, [~~\$50.00~~] \$175.00.

13

14 Sale of minor's land, [~~\$50.00~~] \$175.00.

15

16 Distribution, filing and entering complaint, recording, microfilming  
17 or photostating, and filing judgment, [~~\$50.00~~] \$175.00.

18

19 Filing of first paper in action in the Superior Court, Chancery  
20 Division, Probate Part, \$175.00.

21

22 Filing of answering pleadings or other answering papers in Superior  
23 Court, Chancery Division, Probate Part (First paper filed by anyone  
24 other than Plaintiff), \$110.00.

25

26 Adoption of adults, filing and entering proceedings (all papers)  
27 including one judgment, [~~\$75.00~~] \$175.00.

28

29 Adoption of minors [with one hearing], filing and entering  
30 proceedings (all papers) including one judgment, [~~\$75.00~~] \$175.00.

31

32 [Adoption of minors with two or more hearings, filing and entering  
33 proceedings (all papers) including one judgment, \$75.00.]

34

35 Application and order to limit time to creditors, [~~\$25.00~~] \$40.00,  
36 but exclusive of advertising costs.

37

38 Application for relief subsequent to final judgment in the Superior  
39 Court, Chancery Division, Probate Part, \$25.00.

40

41 Preparing notices to creditors to present their claims and copies of  
42 the same, sending notice to newspapers with directions as to  
43 publication, obtaining proofs of publication, keeping a record of  
44 notices and newspapers to which they are sent for publication, and of  
45 the moneys received to defray the cost of advertising and transmitting

1 advertising charges to newspapers, \$10.00.

2

3 Advertising order of court or notice, when done by the surrogate,  
4 ~~[\$5.00]~~ \$10.00, in addition to advertising fees.

5

6 Proceedings for the appointment of a conservator, with or without  
7 jury trial, ~~[\$75.00, with trial by jury, \$75.00]~~ \$175.00.

8

9 Proceeding for the determination of ~~[mental incompetency]~~  
10 incapacity and for the appointment of a guardian for an alleged  
11 ~~[mental incompetent]~~ incapacitated person, with or without jury trial,  
12 ~~[\$75.00, with trial by jury, \$75.00]~~ \$175.00.

13

14 Proceedings in connection with payment into court of proceeds of  
15 a judgment in favor of a minor, in lieu of bond, pursuant to N.J.S.  
16 3B:15-16 and N.J.S.3B:15-17 (in addition to fees payable under  
17 Letters of Guardianship), the following fees are payable upon  
18 withdrawal of funds on deposit:

19 For each withdrawal including petitions and orders provided and  
20 prepared by the surrogate for withdrawal of funds for court approval:

21 Up to and including \$500.00, ~~[\$10.00]~~ \$20.00.

22

23 From \$501.00 to and including \$1,000.00, ~~[\$15.00]~~ \$25.00.

24

25 From \$1,001.00 to and including \$5,000.00, ~~[\$20.00]~~ \$30.00.

26

27 From \$5,001.00 to and including \$10,000.00, ~~[\$25.00]~~ \$35.00.

28

29 From \$10,001.00 to and including \$25,000, \$40.00.

30

31 From \$25,001.00 to and including \$50,000.00, [\$30.00] \$60.00.

32

33 In excess of \$50,000.00, ~~[\$50.00]~~ \$100.00.

34

35 MISCELLANEOUS CHARGES

36

37 Short certificates, ~~[\$3.00]~~ \$5.00.

38

39 Validating short certificate within one year of issue of date, ~~[\$1.00]~~  
40 \$3.00.

41

42 ~~[Subpenas]~~ Subpoenas, each, ~~[\$5.00]~~ \$25.00.

43

44 Marking true copies, ~~[subpenas]~~ subpoenas, each, ~~[\$2.00]~~ \$3.00.

- 1 Marking true copies, orders to show cause, each, [~~\$2.00~~] \$3.00.  
2  
3 Marking true copies of other papers, each, [~~\$2.00~~] \$3.00.  
4  
5 Authorization of process, [~~\$3.00~~] \$5.00.  
6  
7 Swearing each witness, [~~\$1.00~~] \$2.00.  
8  
9 Adjournment or continuance, [~~\$3.00~~] \$15.00.  
10  
11 Miscellaneous orders of court, first page, [~~\$3.00~~] \$5.00.  
12  
13 For each additional page, [~~\$3.00~~] \$5.00.  
14  
15 Recording, microfilming or photostating all papers not herein  
16 provided for, [~~\$3.00~~] \$5.00 for each page.  
17  
18 For making copies not otherwise provided for, \$3.00 for each page.  
19  
20 Filing transcript of death certificate, [~~\$3.00~~] \$5.00.  
21  
22 Power of attorney, per page [~~\$3.00~~] \$5.00 plus \$5.00 for certified  
23 mail.  
24  
25 Search fee, per estate \$10.00  
26  
27 Proceedings relative to appointment of a guardian ad litem,  
28 [~~\$15.00~~] \$25.00.  
29  
30 Renunciation by one person, filing, entering and recording, or  
31 photostating, [~~\$3.00~~] \$5.00. Each additional person, [~~\$1.00~~]  
32 \$3.00.  
33  
34 Caveat, filing or withdrawing, [~~\$10.00~~] \$25.00.  
35  
36 Combined refunding bond and release of not more than two pages,  
37 filing, entering, microfilming and recording, or photostating, [~~\$6.00~~]  
38 \$10.00. [~~For more than two pages, \$3.00~~] \$5.00 for each additional  
39 page. Additional charge for county clerk's certificate, [~~\$2.00~~] \$5.00.  
40  
41 Release of not more than two pages of refunding bond and release,  
42 [~~\$6.00~~] \$10.00. [~~For more than two pages, \$3.00~~] \$5.00 for each  
43 additional page. Additional charge for county clerk's certificate,  
44 [~~\$2.00~~] \$5.00.

1 Assignments of legacy or interest, [~~\$3.00~~] \$10.00 per page, plus  
2 [~~\$2.00~~] \$5.00 where county clerk's certificate is necessary.

3  
4 Filing all papers not herein provided for, [~~\$3.00~~] \$5.00, if  
5 microfilming process is used, [~~\$3.00~~] \$5.00 per page.

6  
7 Plain copy of two-page will, \$6.00.

8  
9 Each additional page, \$3.00.

10  
11 Filing of motions in the Superior Court, Chancery Division, Probate  
12 Part, \$15.00.

13  
14 Notice of appeal (trial court), \$10.00.

15  
16 Minimum charge for all other papers or services in proceedings in  
17 the Superior Court, Chancery Division, Probate Part, \$5.00.

18  
19 3B:14-48 Service of Process by Surrogate, \$25.00.

20  
21 Duplicating or copying of microfiche, digital tape, high density  
22 disks, optically scanned and recorded materials or for any other media  
23 used to record or preserve records, \$150.00 per medium recorded.

24  
25 Processing fee for returned check, \$20.00 plus bank fee.

26 (cf: P.L.1988, c.109, s.1).

27  
28 4. Section 2 of P.L.1965, c.123 (C.22A:4-4.1) is amended to read  
29 as follows:

30 2. County clerks and registers of deeds and mortgages, in counties  
31 having such offices, shall charge for the services herein enumerated the  
32 following fees:

|                                                                                                                                                                                                                     | Fee                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| 34 For recording veteran's discharge papers . . . . .                                                                                                                                                               | No fee                                |
| 35 For recording any instrument:                                                                                                                                                                                    |                                       |
| 36 First page . . . . .                                                                                                                                                                                             | [ <del>\$15.00</del> ] <u>\$25.00</u> |
| 37 Each additional page or part thereof . . . . .                                                                                                                                                                   | [ <del>\$ 2.00</del> ] <u>\$ 5.00</u> |
| 38 Each rider, insertion, addition, or any map,<br>39 plat or sketch filed or recorded<br>40 pursuant to [ <del>paragraph</del> ] <u>subsection</u> (c)<br>41 of section 2 of P.L.1957, c.130 (C.48:3-17.3) . . . . | [ <del>\$ 2.00</del> ] <u>\$ 5.00</u> |
| 42 For entering the marginal notation of an order<br>43 judgment, statement or warrant discharging,<br>44 annulling a notice of lis pendens and<br>45 for filing such order, judgment or                            |                                       |

|    |                                                          |           |                |
|----|----------------------------------------------------------|-----------|----------------|
| 1  | statement . . . . .                                      | [\$ 3.00] | <u>\$ 5.00</u> |
| 2  | <u>For filing a lis pendens foreclosure. . . . .</u>     |           | <u>\$25.00</u> |
| 3  | <u>Notation . . . . .</u>                                |           | <u>\$5.00</u>  |
| 4  | For preparing and transmitting to the assessor,          |           |                |
| 5  | collector, or other custodian of the assessment          |           |                |
| 6  | map of any taxing district, the abstract of an           |           |                |
| 7  | instrument evidencing title to                           |           |                |
| 8  | realty . . . . .                                         | [\$ 3.00] | <u>\$ 5.00</u> |
| 9  | For entering the marginal notation of a                  |           |                |
| 10 | discharge or release of a New Jersey building            |           |                |
| 11 | and loan or savings and loan mortgage and                |           |                |
| 12 | forwarding abstract . . . . .                            | [\$ 3.00] | <u>\$ 5.00</u> |
| 13 | For entering the marginal notation of a                  |           |                |
| 14 | discharge, assignment, postponement or                   |           |                |
| 15 | release of a mortgage, other than building and           |           |                |
| 16 | loan and savings and loan mortgages . . . . .            | [\$ 3.00] | <u>\$ 5.00</u> |
| 17 | For the cancellation of any mortgage . . . . .           | [\$ 8.00] | <u>\$15.00</u> |
| 18 | For a marginal notation of the discharge of              |           |                |
| 19 | a mortgage in counties where mortgages are               |           |                |
| 20 | indexed under a system requiring a duplication           |           |                |
| 21 | of indices and description . . . . .                     | [\$ 3.00] | <u>\$ 5.00</u> |
| 22 | For filing and recording notice of federal               |           |                |
| 23 | tax lien or other federal lien or certificate            |           |                |
| 24 | discharging such lien . . . . .                          | [\$ 8.00] | <u>\$20.00</u> |
| 25 | <u>For filing a notice of settlement. . . . .</u>        |           | <u>\$15.00</u> |
| 26 | For filing each map, plat, plan or chart                 |           |                |
| 27 | (except when presented by the State or                   |           |                |
| 28 | its agencies or filed pursuant to [paragraph] subsection |           |                |
| 29 | (c) of section 2 of P.L.1957, c.130                      |           |                |
| 30 | (C.48:3-17.3)) . . . . .                                 | [\$18.00] | <u>\$50.00</u> |
| 31 | For recording tax sale certificate, except               |           |                |
| 32 | by municipalities, or a redemption or assignment         |           |                |
| 33 | of tax sale certificate, first page . . . . .            | [\$15.00] | <u>\$25.00</u> |
| 34 | Each additional page or part thereof . . . . .           | [\$ 2.00] | <u>\$ 5.00</u> |
| 35 | Certified copy of veteran's discharge . . . . .          |           | \$ 1.00        |
| 36 | For indexing any recorded instrument                     |           |                |
| 37 | in excess of [10] <u>5</u> parties, per each name        |           |                |
| 38 | in excess of [10] <u>5</u> . . . . .                     | [\$ 0.30] | <u>\$ 1.00</u> |
| 39 | For recording tax sale certificate, lien,                |           |                |
| 40 | deed, or related instrument by a                         |           |                |
| 41 | municipality . . . . .                                   |           | \$ 3.00        |
| 42 | <u>For recording vacations or dedications of roads,</u>  |           |                |
| 43 | <u>first page . . . . .</u>                              |           | <u>\$25.00</u> |
| 44 | <u>Each additional page or part thereof . . . . .</u>    |           | <u>\$ 5.00</u> |
| 45 | <u>For disclaimers . . . . .</u>                         |           | <u>\$10.00</u> |



1 For reimbursement agreements . . . . . No fee

2 (cf: P.L.1997, c.412, s.6)

3

4 5. N.J.S.22A:4-8 is amended to read as follows:

5 22A:4-8. For the services hereinafter enumerated sheriffs and other  
6 officers shall receive the following fees:

7 In addition to the mileage allowed by law, for serving every  
8 summons and complaint, attachment or any mesne process issuing out  
9 of the Superior Court, the sheriff or other officer serving such process  
10 shall, for the first defendant or party on whom such process is served,  
11 be allowed [~~\$12.00~~] \$22.00 and, for service on the second defendant  
12 named therein, [~~\$10.00~~] \$20.00, and for serving such process on any  
13 other defendant or defendants named therein, [~~\$6.00~~] \$16.00 each,  
14 and no more. If a man and his wife be named in such process they shall  
15 be considered as one defendant, except where they are living separate  
16 and apart.

17 Serving summons and complaint in matrimonial actions, in addition  
18 to mileage, [~~\$12.00~~] \$22.00.

19 Serving capias ad respondendum, capias ad satisfaciendum, warrant  
20 of commitment, writ of ne exeat, in addition to mileage, [~~\$35.00~~]  
21 \$48.00.

22 Serving order to summon juries and return, [~~\$1.75~~] \$8.00.

23 Serving every execution against goods or lands and making an  
24 inventory and return, in addition to mileage, [~~\$35.00~~] \$48.00.

25 For returning every writ, [~~\$1.00~~] \$2.00.

26 Executing every writ of possession and return, in addition to  
27 mileage, [~~\$35.00~~] \$48.00.

28 Executing every writ of attachment, sequestration or replevin  
29 issuing out of any of the courts, in addition to mileage, [~~\$35.00~~]  
30 \$48.00.

31 For serving each out-of-State paper, in addition to the mileage  
32 allowed by law, [~~\$15.00~~] \$25.00 for the first defendant on whom such  
33 paper is served, [~~\$10.00~~] \$20.00 for service on the second defendant  
34 named therein, and [~~\$6.00~~] \$16.00 for serving such paper on any  
35 other defendant or defendants named therein. If a man and wife be  
36 named in such paper, they shall be considered as one defendant, except  
37 where they are living separate and apart.

38 For serving or executing any process or papers where mileage is  
39 allowed by law, the officer shall receive mileage actually traveled to  
40 and from the courthouse, at the rate per mile of \$0.16.

41 The sheriff shall be entitled to retain out of all moneys collected or  
42 received by him on a forfeited recognizance, whether before or after  
43 execution, or from amercements, or from fines and costs on  
44 conviction, on indictment or otherwise, whether such moneys are  
45 payable to the State or to the county treasurer of the county wherein

1 conviction was had, 5%.

2 For transporting each offender to the State Prison, per mile, but not  
3 less than \$3.00 for each offender, to be certified by the keeper of the  
4 prison and the certificate to be delivered to the county treasurer of the  
5 county where the conviction was had, \$0.23.

6

7

#### EXECUTION SALES

8

9 When a sale is made by virtue of an execution the sheriff shall be  
10 entitled to charge the following fees: On all sums not exceeding  
11 \$5,000.00, [4%] 6%; on all sums exceeding \$5,000.00 on such  
12 excess, [2 1/2%] 4%; the minimum fee to be charged for a sale by  
13 virtue of an execution, [~~\$20.00~~] \$50.00.

14 On an execution against wages, commissions and salaries, the  
15 sheriff shall charge the same percentage fees on all sums collected as  
16 those percentage fees applicable in cases wherein an execution sale is  
17 consummated.

18 When the execution is settled without actual sale and such  
19 settlement is made manifest to the officer, the officer shall receive 1/2  
20 of the amount of percentage allowed herein in case of sale.

21 Making statement of execution, sales and execution fees, [~~\$5.00~~]  
22 \$10.00.

23 Advertising the property for sale, provided the sheriff or deputy  
24 sheriff attend in pursuance of the advertisement, [~~\$10.00~~] \$20.00.

25 Posting property for sale, [~~\$7.00~~] \$20.00.

26 For the crier of the vendue, when the sheriff proceeds to sell, for  
27 every day he shall be actually employed in such sale, [~~\$3.00~~] \$5.00.

28 Every adjournment of a sale, but no more than one adjournment  
29 shall be allowed, and if the sheriff shall have several executions against  
30 a defendant, he shall only be allowed for advertising, attending and  
31 adjourning, as if he had but one execution, [~~\$20.00~~] \$28.00.

32 Drawing and making a deed to a purchaser of real property,  
33 [~~\$35.00~~] \$75.00.

34 Drawing and making a bill of sale to the purchaser of personal  
35 property when such bill of sale is required or demanded, [~~\$15.00~~]  
36 \$20.00.

37 When more than one execution shall be issued out of the Superior  
38 Court upon any judgment, each sheriff to whom such execution shall  
39 be directed and delivered shall be entitled to collect and receive from  
40 the defendant named in such execution the fees allowed by law for  
41 making a levy and return and statement thereon, or for such other  
42 services as may be actually performed by him, and the sheriff who shall  
43 collect the amount named in said execution or any part thereof, shall  
44 be entitled to the legal percentage upon whatever amount may be so  
45 collected by him, but in case any such judgment shall be settled

1 between the parties and the amount due thereon shall not be collected  
2 by either sheriff, then the percentage on the amount collected which  
3 would be due the sheriff thereon in case only one execution had been  
4 issued shall be equally divided among the several sheriffs in whose  
5 hands an execution in the same cause may have been placed.

6 The sheriff shall file his taxed bill of costs with the clerk of the  
7 court out of which execution issued, within such time as the court shall  
8 direct by general rule or special order, or, in default thereof, he shall  
9 not be entitled to any costs. If any sheriff shall charge in such bill of  
10 costs for services not done, or allowed by law, or shall take any  
11 greater fee or reward for any services by him done than is or shall be  
12 allowed by law, he shall be liable for the damages sustained by the  
13 party aggrieved including a penalty of \$30.00, to be recovered in a  
14 summary manner, in the action or proceeding wherein the execution  
15 was issued or otherwise.

16 (cf: P.L.1991, c.91, s.275).

17

18 6. (New section) a. The county treasurer shall be responsible for  
19 all fees received by or deposited with the county sheriff pursuant to  
20 N.J.S.22A:4-8. The county sheriff shall account to the county  
21 treasurer for all these fees.

22 b. The county treasurer shall deposit into a trust fund dedicated to  
23 the sheriff's office \$2.00 of each fee over the amount of \$3.00 received  
24 for a service enumerated in N.J.S.22A:4-8. Such sums shall be  
25 deposited within 10 days of receipt by the county treasurer. Monies  
26 in the trust fund shall be used to upgrade and modernize the services  
27 provided by their offices. As used in this section, "to upgrade and  
28 modernize the services" shall not include the costs associated with  
29 employing personnel and shall not include offset of existing salary or  
30 new positions. The monies in the trust fund shall not be used for  
31 budgetary reduction by the counties.

32 c. Notwithstanding any provision of law to the contrary, monies  
33 received by a county sheriff attributable solely to the amount of fee  
34 increases for services enumerated in N.J.S.22A:4-8 pursuant to the  
35 amendments set forth in section 5 of P.L. , c. (now pending before  
36 the Legislature as this bill), that exceed in any year the amount by  
37 which the annual minimum salary of the sheriff fixed pursuant to  
38 N.J.S.40A:9-104 exceeds the amount of the county sheriff's salary in  
39 effect on November 1, 2000, shall be used for budgetary reduction by  
40 the county and shall be reflected as a county tax levy reduction.

41

42 7. N.J.S.22A:4-17 is amended to read as follows:

43 22A:4-17. All fees, costs, allowances, percentages and other  
44 perquisites of whatever kind which surrogates, county clerks in their  
45 several capacities, registers of deeds and mortgages, and sheriffs or  
46 persons employed in their offices are entitled to charge and receive for

1 any official acts or services they may render shall be for the sole use  
2 of the county and shall be accounted for regularly to the county  
3 treasurer; however, such monies shall be utilized to increase the  
4 salaries of surrogates, county clerks, registers of deeds and mortgages  
5 and sheriffs, except as provided in section 6 of P.L. \_\_\_\_\_, c. \_\_\_\_\_  
6 (C. \_\_\_\_\_) (now pending before the Legislature as this bill), section 7  
7 of P.L.1985, c.422 (C.22A:4-17.1) and section 4 of P.L.1988, c.109  
8 (C.22A:4-17.2).

9 Such accounting shall be made on or before the fifteenth day of  
10 each month on form blanks supplied by the county treasurer. The  
11 statement of account shall clearly set forth all sums charged or taxed  
12 or which shall have accrued or become payable during the preceding  
13 month. Such statements shall be made under oath and filed in the  
14 office of the county treasurer as public records.

15 Such statements when received by the county treasurer shall be  
16 forthwith audited by the county auditor or other proper officer.

17 On or before the twentieth day of each month surrogates, county  
18 clerks, registers of deeds and mortgages, and sheriffs shall pay over  
19 the amount of such fees and moneys to the county treasurer and such  
20 officers shall be personally liable to the county for such fees and  
21 moneys.

22 The penalty for each day's neglect to file the required statement of  
23 account or to pay over such moneys shall be one hundred dollars  
24 (\$100.00) to be recovered in the name of the board of chosen  
25 freeholders of the county in a civil action in the Superior Court, and  
26 said officers may also be proceeded against by proceeding in lieu of  
27 prerogative writ.

28 (cf: P.L.1991, c.91, s.276)

29

30 8. Section 4 of P.L.1988, c.109 (C.22A:4-17.2) is amended to read  
31 as follows:

32 4. a. The county treasurer shall return to the county surrogate  
33 \$2.00 of each fee received for the probate of a will; for the grant of  
34 general administration; for the grant of letters of guardianship [for a  
35 minor and]; for the grant of letters of trusteeship for the filing of  
36 inventories; for the filing of accountings; and for any other proceeding  
37 filed, recorded or issued in the surrogate's court. Such sums shall be  
38 returned within 10 days of receipt by the county treasurer.

39 b. Monies received by the county surrogates pursuant to the  
40 provisions of subsection a. of this section shall be used to upgrade and  
41 modernize the services provided by their offices. These monies shall  
42 not be used for budgetary reduction by the counties.

43 c. Notwithstanding any provision of law to the contrary, monies  
44 received by a county surrogate attributable solely to the amount of fee  
45 increases for services enumerated in N.J.S.22A:2-30 pursuant to the  
46 amendments set forth in section 3 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (now pending before

1 the Legislature as this bill), that exceed in any year the amount by  
2 which the annual minimum salary of the surrogate fixed pursuant to  
3 N.J.S.2B:14-3 exceeds the amount of the surrogate's salary in effect  
4 on November 1, 2000, shall be used for budgetary reduction by the  
5 county and shall be reflected as a county tax levy reduction.

6 (cf: P.L.1988, c.109, s.4)

7  
8 9. Section 7 of P.L.1985, c.422 (C.22A:4-17.1) is amended to read  
9 as follows:

10 7. a. The county treasurer shall return to the county clerk or the  
11 register of deeds and mortgages \$2.00 of each fee received for the  
12 recording, filing or cancelling of a document in the office of the county  
13 clerk or register of deeds and mortgages. Such sums shall be returned  
14 within 10 days of receipt of the fee by the county treasurer.

15 b. Monies received by the county clerks or registers of deeds and  
16 mortgages pursuant to the provisions of subsection a. shall be used to  
17 upgrade and modernize the services provided by their offices.

18 c. The provisions of subsection a. shall not apply to fees received  
19 from municipalities for recording, filing or cancelling documents.

20 d. Notwithstanding any provision of law to the contrary, monies  
21 received by a county clerk attributable solely to the amount of fee  
22 increases for services enumerated in N.J.S.22A:2-29 pursuant to the  
23 amendments set forth in section 2 of P.L. , c. (now pending before  
24 the Legislature as this bill) and enumerated in section 2 of P.L.1965,  
25 c.123 (C.22A:4-4.1) pursuant to the amendments set forth in section  
26 4 of P.L. , c. (now pending before the Legislature as this bill), that  
27 exceed in any year the amount by which the annual minimum salary of  
28 the county clerk fixed pursuant to N.J.S.40A:9-76 exceeds the amount  
29 of the county clerk's salary in effect on November 1, 2000, shall be  
30 used for budgetary reduction by the county and shall be reflected as a  
31 county tax levy reduction.

32 e. Notwithstanding any provision of law to the contrary, monies  
33 received by a register of deeds and mortgages attributable solely to the  
34 amount of fee increases for services enumerated in section 2 of  
35 P.L.1965, c.123 (C.22A:4-4.1) pursuant to the amendments set forth  
36 in section 4 of P.L. , c. (now pending before the Legislature as this  
37 bill) that exceed in any year the amount by which the annual minimum  
38 salary of the register of deeds and mortgages fixed pursuant to  
39 N.J.S.40A:9-92 exceeds the amount of the salary of the register of  
40 deeds and mortgages in effect on November 1, 2000, shall be used for  
41 budgetary reduction by the county and shall be reflected as a county  
42 tax levy reduction.

43 (cf: P.L.1989, c.301, s.1)

44  
45 10. N.J.S.40A:9-76 is amended to read as follows:

46 40A:9-76. The board of chosen freeholders in each county, by

1 resolution, shall fix the annual salary of the county clerk [as follows:

2 In counties having a population in excess of 600,000, not less than  
3 \$24,000.00 or more than the board of chosen freeholders may by  
4 resolution duly authorize per annum;

5 In counties having a population in excess of 400,000, but not more  
6 than 600,000, not less than \$21,000.00, or more than the board of  
7 chosen freeholders may by resolution duly authorize per annum;

8 In counties having a population in excess of 190,000, but not more  
9 than 400,000, not less than \$18,000.00 or more than the board of  
10 chosen freeholders may by resolution duly authorize per annum;

11 In counties having a population of 190,000 or less, not less than  
12 \$15,000.00 or more than the board of chosen freeholders may by  
13 resolution duly authorize per annum.] in an amount equal to not less  
14 than sixty-five percent (65%) of the annual salary of a Judge of the  
15 Superior Court. Nothing in this section shall be construed to require  
16 that a county clerk whose annual salary exceeds the amount provided  
17 for herein shall be reduced, or that a board of chosen freeholders may  
18 not increase the salary of a county clerk in excess of the amount  
19 provided for herein.

20 Nothing in this section shall authorize the fixing of the salary of any  
21 person holding the office of county clerk at any amount less than that  
22 now payable pursuant to law, so long as the said person shall hold  
23 such office during the present and any consecutively ensuing term or  
24 terms, nor shall anything in this section authorize the payment of any  
25 salary for which a range is established in an amount less than the  
26 minimum of said range.

27 The salary of said officer shall be paid by the proper county  
28 disbursing officer in the same manner as county officers and employees  
29 are paid.

30 (cf: P.L.1974, c.153, s.1)

31

32 11. N.J.S.40A:9-92 is amended to read as follows:

33 40A:9-92. The board of chosen freeholders in each county, by  
34 resolution, shall fix the annual salary of the register of deeds and  
35 mortgages [as follows:

36 In counties having a population in excess of 600,000, not less than  
37 \$24,000.00 or more than the board of chosen freeholders may by  
38 resolution duly authorize per annum;

39 In counties having a population in excess of 400,000, but not more  
40 than 600,000, not less than \$21,000.00 or more than the board of  
41 chosen freeholders may by resolution duly authorize per annum;

42 In counties having a population in excess of 190,000, but not more  
43 than 400,000, not less than \$18,000.00 or more than the board of  
44 chosen freeholders may by resolution duly authorize per annum;

45 In counties having a population of 190,000 or less, not less than  
46 \$15,000.00 or more than the board of chosen freeholders may by

1 resolution duly authorize per annum.] in an amount equal to not less  
2 than sixty-five percent (65%) of the annual salary of a Judge of the  
3 Superior Court. Nothing in this section shall be construed to require  
4 that a register whose annual salary exceeds the amount provided for  
5 herein shall be reduced, or that a board of chosen freeholders may not  
6 increase the salary of a register in excess of the amount provided for  
7 herein.

8 Nothing in this section shall authorize the fixing of the salary of any  
9 person holding the office of register of deeds and mortgages at any  
10 amount less than that now payable pursuant to law, so long as the said  
11 person shall hold such office during the present and any consecutively  
12 ensuing term or terms, nor shall anything in this section authorize the  
13 payment of any salary for which a range is established in an amount  
14 less than the minimum of said range.

15 The salary of said officer shall be paid by the proper county  
16 disbursing officer in the same manner as county officers and employees  
17 are paid.

18 (cf: P.L.1974, c.153, s.2)

19

20 12. N.J.S.40A:9-104 is amended to read as follows:

21 40A:9-104. The board of chosen freeholders in each county, by  
22 resolution, shall fix the annual salary of the sheriff [as follows:

23 In counties having a population in excess of 600,000, not less than  
24 \$24,000.00 or more than the board of chosen freeholders may by  
25 resolution duly authorize per annum;

26 In counties having a population in excess of 400,000, but not more  
27 than 600,000, not less than \$21,000.00 or more than the board of  
28 chosen freeholders may by resolution duly authorize per annum;

29 In counties having a population in excess of 190,000, but not more  
30 than 400,000, not less than \$18,000.00 or more than the board of  
31 chosen freeholders may by resolution duly authorize per annum;

32 In counties having a population of 190,000 or less, not less than  
33 \$15,000.00 or more than the board of chosen freeholders may by  
34 resolution duly authorize per annum.] in an amount equal to not less  
35 than sixty-five percent (65%) of the annual salary of a Judge of the  
36 Superior Court. Nothing in this section shall be construed to require  
37 that a sheriff whose annual salary exceeds the amount provided for  
38 herein shall be reduced, or that a board of chosen freeholders may not  
39 increase the salary of a sheriff in excess of the amount provided for  
40 herein.

41 Nothing in this section shall authorize the fixing of the salary of any  
42 person holding the office of sheriff at any amount less than that now  
43 payable pursuant to law, so long as the said person shall hold such  
44 office during the present and any consecutively ensuing term or terms,  
45 nor shall anything in this section authorize the payment of any salary  
46 for which a range is established in an amount less than the minimum

1 of said range.

2 The salary of said officer shall be paid by the proper county  
3 disbursing officer in the same manner as county officers and employees  
4 are paid.

5 (cf: P.L.1974, c.153, s.3)

6

7 <sup>1</sup>[13. R.S.56:3-16 is amended to read as follows:

8 56:3-16. The registration of names, marks or other devices shall be  
9 by filing in the office of the [clerk of the county in which the principal  
10 office of the person or corporation seeking registration is situated and  
11 in the office of the] Secretary of State, descriptions of such names,  
12 marks or other devices. If the applicant for registration has no  
13 principal office in this State the names, marks or other devices may be  
14 registered by filing descriptions thereof in the office of the [clerk of  
15 any county in which the applicant does business and in the office of  
16 the] Secretary of State.

17 For each filing as herein provided the Secretary of State shall  
18 receive a fee of \$20.00 [and the county clerk shall receive a fee of  
19 \$5.00].

20 (cf: P.L.1971, c.171, s.6)]<sup>1</sup>

21

22 <sup>1</sup>13. (New section) With regard to all increased check off fee  
23 charges, the revenues from which are dedicated to upgrading and  
24 modernizing the services provided by the offices of constitutional  
25 officers, pursuant to the provisions of P.L. , c. (C. )  
26 (pending before the Legislature as this bill) or any other provision of  
27 law:

28 a. Each constitutional officer shall prepare and submit to the board  
29 of chosen freeholders, for its approval, a five-year capital plan setting  
30 forth the capital purposes to which the check off fee revenues are to  
31 be applied, which purposes shall include improving recording and  
32 election related records when applicable;

33 b. Any dispute concerning the use of the check off fee revenues  
34 shall be submitted to and resolved by the assignment judge of the  
35 county, who shall be the final arbiter of such disputes;

36 c. Check off fee revenues shall not be used for budgetary reduction  
37 by the county and the Director of the Division of Local Government  
38 Services in the Department of Community Affairs shall require the  
39 amendment of any county budget that is not in compliance with the  
40 requirements of this subsection;

41 d. Interest earned on check off fee revenues held in a dedicated or  
42 trust account shall accrue to that account and shall be used only for  
43 the purposes of check off fee revenues.<sup>1</sup>

44

45 14. This act shall take effect immediately.



1

\_\_\_\_\_

2

3 Revises fees and salaries of county clerks, registers of deeds and  
4 mortgages, sheriffs and surrogates, and use of fees to upgrade and  
5 modernize services of sheriffs' offices, pay salary increases and reduce  
6 county tax levies.

**CHAPTER 370**

**AN ACT** concerning certain fees and salaries of county clerks, sheriffs, surrogates and other officers, amending and supplementing Title 22A of the New Jersey Statutes and amending various parts of the statutory law.

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

- 1. N.J.S.2B:14-3 is amended to read as follows:

Salaries of surrogates.

2B:14-3. Salaries of Surrogates. The board of chosen freeholders in each county shall fix the Surrogate's annual salary by resolution in an amount equal to not less than sixty-five percent (65%) of the annual salary of a Judge of the Superior Court which shall not be diminished during the term of office or during any consecutive terms served by the Surrogate. Nothing in this section shall be construed to require that a surrogate whose annual salary exceeds the amount provided for herein shall be reduced, or that a board of chosen freeholders may not increase the salary of a surrogate in excess of the amount provided for herein.

- 2. N.J.S.22A:2-29 is amended to read as follows:

County clerk, deputy clerk of Superior Court fees.

22A:2-29. Upon the filing, indexing, entering or recording of the following documents or papers in the office of the county clerk or deputy clerk of the Superior Court, such parties, filing or having the same recorded or indexed in the county clerk's office or with the deputy clerk of the Superior Court in the various counties in this State in all civil or criminal causes, shall pay the following fees in lieu of the fees heretofore provided for the filing, recording or entering of such documents or papers:

In general--

|                                                                         |         |
|-------------------------------------------------------------------------|---------|
| Issuing county clerk's certificate, any instrument . . . . .            | \$5.00  |
| Comparing and making copies, per sheet. . . . .                         | \$2.00  |
| Copies of all papers, typing and comparing of photostat, per page . . . | \$2.00  |
| Marking as a true copy, any instrument . . . . .                        | \$2.00  |
| Exemplification, any instrument . . . . .                               | \$10.00 |
| Plus \$1.00 per page of instrument.                                     |         |
| Recording or filing all instruments not herein stated. . . . .          | \$7.50  |

Bonds, bail, recognizances--

|                                                                                               |        |
|-----------------------------------------------------------------------------------------------|--------|
| Recording all official bonds with acknowledgment and proof of the execution thereof . . . . . | \$9.00 |
| Filing and entering recognizance or civil bail . . . . .                                      | \$9.00 |
| Filing discharge, attachment bond . . . . .                                                   | \$9.00 |
| Filing satisfaction or order discharging recognizance or civil bail . . .                     | \$9.00 |
| Filing and recording filiation bond . . . . .                                                 | \$9.00 |
| Filing satisfaction of or order discharging filiation bond . . . . .                          | \$9.00 |
| Recording or discharging sheriff's bond . . . . .                                             | \$9.00 |

Nonbusiness corporation, recording:

|                                                                                                                     |         |
|---------------------------------------------------------------------------------------------------------------------|---------|
| Certificates of incorporation of churches, religious societies and congregations. . . . .                           | \$25.00 |
| Amendments to certificates of incorporation of churches, religious societies and congregations, recording . . . . . | \$25.00 |
| Bank merger agreements, recording:                                                                                  |         |
| First sheet . . . . .                                                                                               | \$25.00 |
| Each additional sheet . . . . .                                                                                     | \$5.00  |
| Certificates, each . . . . .                                                                                        | \$5.00  |

Tradenames, firms, partnerships:

|                                                                            |         |
|----------------------------------------------------------------------------|---------|
| Certificate of name, filing (see R.S.56:1-1 et seq.) . . . . .             | \$50.00 |
| Certificate of dissolution of tradename (see R.S.56:1-6 et seq.) . . . . . | \$25.00 |
| Partnership agreement (see R.S.42:1-1 et seq.) . . . . .                   | \$50.00 |

P.L. 2001, CHAPTER 370

|                                                                                                                                                                              |         |         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------|
| Building and loan or savings and loan associations:                                                                                                                          |         |         |
| Change of name                                                                                                                                                               | .....   | \$25.00 |
| Dissolution                                                                                                                                                                  | .....   | \$25.00 |
| Certificates for limited-dividend housing associations, recording:                                                                                                           |         |         |
| First page                                                                                                                                                                   | .....   | \$20.00 |
| Each additional page                                                                                                                                                         | \$5.00  |         |
| Certificates for urban renewal associations, recording:                                                                                                                      |         |         |
| First page                                                                                                                                                                   | .....   | \$20.00 |
| Each additional page                                                                                                                                                         | \$ 5.00 |         |
| Judgments, et cetera--                                                                                                                                                       |         |         |
| Recording judgments                                                                                                                                                          | .....   | \$15.00 |
| Filing, entering and recording judgment on bond<br>and warrant by attorney                                                                                                   | .....   | \$37.50 |
| Certificate for docketing Superior Court transcript                                                                                                                          | .....   | \$9.00  |
| Recording assignment of judgment                                                                                                                                             | .....   | \$15.00 |
| Issuing transcript of judgment                                                                                                                                               | .....   | \$7.50  |
| Filing or entering on the record of discharge,<br>cancellation, release or satisfaction of a judgment<br>by satisfaction piece, execution returned satisfied<br>or otherwise | .....   | \$15.00 |
| For recording and indexing postponement of the lien<br>of judgment.                                                                                                          | .....   | \$20.00 |
| Execution on judgment:                                                                                                                                                       |         |         |
| Issuing warrant on court order                                                                                                                                               | .....   | \$ 9.00 |
| Drawing execution                                                                                                                                                            | .....   | \$ 9.00 |
| Recording execution                                                                                                                                                          | .....   | \$ 9.00 |
| Warrant for satisfaction                                                                                                                                                     | .....   | \$ 6.00 |
| Writ of attachment                                                                                                                                                           | .....   | \$ 9.00 |
| Writ of possession                                                                                                                                                           | .....   | \$ 9.00 |
| Writ of sequestration                                                                                                                                                        | .....   | \$ 9.00 |
| Discharge of writ                                                                                                                                                            | .....   | \$ 9.00 |
| Mandate                                                                                                                                                                      | .....   | \$15.00 |
| Liens--                                                                                                                                                                      |         |         |
| Filing, indexing and recording mechanic's lien claim                                                                                                                         | .....   | \$9.00  |
| Recording, filing and noting on the record the discharge, release<br>or satisfaction of a mechanic's lien claim                                                              | .....   | \$9.00  |
| Extension of lien claim                                                                                                                                                      | .....   | \$3.00  |
| Filing statement in mechanic's lien proceeding                                                                                                                               |         | \$9.00  |
| Filing, recording and indexing mechanic's notice of intention                                                                                                                | .....   | \$4.50  |
| Filing a certificate discharging a mechanic's notice of intention<br>and noting the discharge on the record thereof                                                          | .....   | \$4.50  |
| Filing certificate from court of commencement of suit                                                                                                                        | .....   | \$4.50  |
| Filing a court order amending a mechanic's notice of intention                                                                                                               | .....   | \$9.00  |
| Construction lien                                                                                                                                                            | \$15.00 |         |
| Notice of unpaid balance, discharge                                                                                                                                          | .....   | \$15.00 |
| Notation                                                                                                                                                                     | .....   | \$5.00  |
| Bond                                                                                                                                                                         | .....   | \$25.00 |
| Filing a court order to discharge notice of intention and noting<br>the discharge on the record thereof                                                                      | \$15.00 |         |
| Filing, recording and indexing stop notice                                                                                                                                   | .....   | \$ 4.50 |
| Filing a certificate discharging a stop notice and noting the<br>discharge on the record thereof.                                                                            | .....   | \$ 4.50 |
| Filing a court order discharging a stop notice and noting the<br>discharge on the record thereof                                                                             | .....   | \$ 9.00 |

|                                                                    |       |            |
|--------------------------------------------------------------------|-------|------------|
| Filing building contract                                           | ..... | \$25.00    |
| Filing discharge of building contract                              | ..... | \$15.00    |
| Notation                                                           | ..... | \$ 5.00    |
| Filing building specifications.                                    | ..... | \$25.00    |
| Filing building plans                                              | ..... | \$25.00    |
| Filing each notice of physician's lien                             | ..... | \$15.00    |
| Entering upon the record the discharge of a physician's lien       | ..... | \$15.00    |
| Filing each hospital lien claim                                    | ..... | \$15.00    |
| Discharge of hospital lien                                         | ..... | \$15.00    |
| Filing satisfaction or order for discharge of attachment           | ..... | \$15.00    |
| Recording collateral inheritance waiver or receipt                 | ..... | \$15.00    |
| Recording inheritance tax waiver.                                  | ..... | \$15.00    |
| Subordination, release, partial release or postponement            |       |            |
| of a lien to lien of mortgage                                      | ..... | \$20.00    |
| Notation                                                           | ..... | \$ 5.00    |
| Commissions and oaths--                                            |       |            |
| Administering oaths to notaries public and                         |       |            |
| commissioners of deeds                                             | ..... | \$15.00    |
| For issuing certificate of authority of notary to take proof,      |       |            |
| acknowledgment of affidavit                                        | ..... | \$ 5.00    |
| For issuing each certificate of the commission and qualification   |       |            |
| of notary public for filing with other county clerks               | ..... | \$15.00    |
| For filing each certificate of the commission and qualification of |       |            |
| notary public, in office of county clerk of county other than      |       |            |
| where such notary has qualified                                    | ..... | \$15.00    |
| Miscellaneous--                                                    |       |            |
| Filing and recording proceedings for laying out,                   |       |            |
| vacating or dedicating roads                                       | ..... | \$25.00    |
| Recording firemen's certificates.                                  | ..... | No charge. |
| Registering physician                                              | ..... | \$25.00    |
| Issuing alcoholic beverage identification card.                    |       | \$10.00    |
| Issuing of nonalcoholic beverage identification card to persons    |       |            |
| under twenty-one years of age                                      | ..... | \$10.00    |

3. N.J.S.22A:2-30 is amended to read as follows:

Fees of surrogate and deputy clerk of the Superior Court

22A:2-30. Fees of surrogate and deputy clerk of the Superior Court.

Fees for services of the surrogate and deputy clerk of the Superior Court enumerated below shall be as follows and shall be for the use of the county in which the fees are collected:

PROBATE OF WILLS AND COPIES

Probate of a will of not more than two pages, \$100.00.

Each additional page, \$ 5.00.

The above fee is for all services in preparation and execution of complaint, filing proof of death, deposition of one witness, qualification of executor, filing power of attorney, surrogate's certificate, judgment for probate, letters testamentary, plain copy of will, binding, recording, microfilming or photostating, comparing, docketing, report to the Division of Taxation in the Department of the Treasury, report and transmission to the Clerk of the Superior Court.

Probate of will of not more than two pages without letters, \$50.00. Each additional page, \$ 5.00. This fee is for the same services as are enumerated in the preceding paragraph, except letters, surrogate's certificate and qualification of executor.

P.L. 2001, CHAPTER 370

4

Probate of each codicil, not exceeding one page, \$25.00.  
Where codicil requires an additional witness, \$5.00.

To reopen probate proceedings for qualification of executor or taking proof of extra witness, \$25.00.

One witness in the above probate proceedings, no charge.  
Each additional witness, \$5.00.

Recording and comparing, microfilming or photostating, each additional page of will or codicil, \$5.00.

Filing, entering, issuing and recording, microfilming or photostating, proceedings in commission for deposition of foreign witness to a will or codicil, \$35.00. Plain extra copy of will, \$3.00 for each page.

Certified extra copy of will, \$5.00 for each page, plus \$5.00 for certificate.

Certified copy of will with proofs for New Jersey county, not exceeding two pages including will and codicil, \$50.00. For pages in excess of two, \$5.00 for each page.

Wills filed but not probated (as, where there are no assets), \$10.00 for first two pages, \$5.00 for each additional page, \$5.00 for cover letter stating no assets, \$5.00 for death certificate.

Exemplifying will for another state, not exceeding two pages including will and codicil, plus cost of certificate of Secretary of State when requisite, \$75.00 (not including \$9.00 fee for exemplified forms). For pages in excess of two, \$5.00 for each page.

Recording, microfilming or photostating, docketing, indexing, filing and reporting to the Division of Taxation in the Department of the Treasury an exemplified copy of will and probate proceedings from another state, \$5.00 for each page.

Recording, microfilming or photostating, docketing, indexing and filing a certified copy of will with proofs from New Jersey, \$5.00 for each page.

Recording, microfilming or photostating certified transcripts of wills admitted to probate and probate proceedings or letters of administration and administration proceedings granted by the Superior Court, \$5.00 for each page.

LETTERS OF TRUSTEESHIP

Acceptance of trustee and letters of trusteeship, including one certificate, \$50.00.

LETTERS OF ADMINISTRATION

General administration, including preparation and execution of complaint, bond, surety affidavits, necessary recording, microfilming or photostating, indexing, filing, report to the Division of Taxation, including power of attorney and death certificate, in the Department of the Treasury and the Clerk of the Superior Court and original letters including authorization to accept service of process and death certificate, \$125.00, and for other documents, \$5.00 per page.

Administration ad prosequendum, \$50.00, and for other documents, \$5.00 per page.

Exemplifying administration, \$75.00.

Certified copy of administration, \$50.00.

Affidavits of surviving spouse or next of kin where the value of the real and personal assets of the estate does not exceed \$20,000.00 or \$10,000.00, respectively, \$5.00 for each \$100.00 or part thereof. Total cost shall not exceed \$50.00. This fee is waived where the value of the assets of the estate does not exceed \$200.00.

#### LETTERS OF GUARDIANSHIP

Granting letters of guardianship, acceptance of guardianship and filing of power of attorney, \$50.00.

Affidavits of estates of minors where value of real and personal estate does not exceed \$5,000.00, \$5.00 per page.

Miscellaneous petitions and orders, \$5.00 per page.

#### INVENTORIES

For all services in appointment of appraisers, \$25.00.

Filing, entering and recording, microfilming or photostating, inventory and appraisal, not exceeding one page, and affidavits of appraisers and executor, \$25.00.

For each additional page, \$5.00.

#### ACCOUNTING

For filing complaint and one page of accounting, \$175.00.

For auditing, stating, reporting and recording, microfilming or photostating, accounts of executors, administrators, guardians, trustees and assignees, including drawing judgment, but exclusive of advertising costs:

In estates up to and including \$2,000.00, no additional fee.

In estates from \$2,001.00 to and including \$10,000.00, \$100.00.

In estates from \$10,001.00 to and including \$30,000.00, \$125.00.

In estates from \$30,001.00 to and including \$65,000.00, \$150.00.

In estates from \$65,001.00 to and including \$200,000.00, 3/10 of 1% but not less than \$300.00.

In estates exceeding \$200,000.00--4/10 of 1%, but not less than \$400.00.

For each page of accounting in excess of one, \$5.00.

In computing the amount of an estate for the purpose of fixing the fees of a surrogate for auditing and reporting the account, the balance from the prior account shall be excluded.

For preparing notice of settlement of accounts and copies of the same, forwarding notice to newspaper, with directions as to publication, obtaining proofs of publication, keeping a record of notices and newspapers to which they are sent and of the moneys received to defray the cost of advertising and transmitting advertising charges to newspaper, \$50.00.

No fees herein allowed shall be charged against the recipient of any pension, bounty or allowance, for services of the surrogate and the Probate Part of the Chancery Division of the Superior Court in respect thereof, pursuant to N.J.S.3B:13-9 to 3B:13-14.

#### MISCELLANEOUS PROCEEDINGS

Proceedings relative to presumption of death, filing, entering and recording, microfilming or photostating (exclusive of letters), with additional fee for advertising, \$175.00.

Sale of land to pay debts (exclusive of advertising), \$175.00.

Sale of land in fulfillment of contract made by decedent, \$175.00.

Sale of lands within one year, \$175.00.

Sale of minor's land, \$175.00.

Distribution, filing and entering complaint, recording, microfilming or photostating, and filing judgment, \$175.00.

Filing of first paper in action in the Superior Court, Chancery Division, Probate Part, \$175.00.

Filing of answering pleadings or other answering papers in Superior Court, Chancery Division, Probate Part (First paper filed by anyone other than Plaintiff), \$110.00.

Adoption of adults, filing and entering proceedings (all papers) including one judgment, \$175.00.

Adoption of minors, filing and entering proceedings (all papers) including one judgment, \$175.00.

Application and order to limit time to creditors, \$40.00, but exclusive of advertising costs.

Application for relief subsequent to final judgment in the Superior Court, Chancery Division, Probate Part, \$25.00.

Preparing notices to creditors to present their claims and copies of the same, sending notice to newspapers with directions as to publication, obtaining proofs of publication, keeping a record of notices and newspapers to which they are sent for publication, and of the moneys received to defray the cost of advertising and transmitting advertising charges to newspapers, \$10.00.

Advertising order of court or notice, when done by the surrogate, \$10.00, in addition to advertising fees.

Proceedings for the appointment of a conservator, with or without jury trial, \$175.00.

Proceeding for the determination of incapacity and for the appointment of a guardian for an alleged incapacitated person, with or without jury trial, \$175.00.

Proceedings in connection with payment into court of proceeds of a judgment in favor of a minor, in lieu of bond, pursuant to N.J.S. 3B:15-16 and N.J.S.3B:15-17 (in addition to fees payable under Letters of Guardianship), the following fees are payable upon withdrawal of funds on deposit:

For each withdrawal including petitions and orders provided and prepared by the surrogate for withdrawal of funds for court approval:

Up to and including \$500.00, \$20.00.

From \$501.00 to and including \$1,000.00, \$25.00.

From \$1,001.00 to and including \$5,000.00, \$30.00.

From \$5,001.00 to and including \$10,000.00, \$35.00.

From \$10,001.00 to and including \$25,000, \$40.00.

From \$25,001.00 to and including \$50,000.00, \$60.00.

In excess of \$50,000.00, \$100.00.

#### MISCELLANEOUS CHARGES

Short certificates, \$5.00.

Validating short certificate within one year of issue of date, \$3.00.

Subpoenas, each, \$25.00.

Marking true copies, subpoenas, each, \$3.00.

Marking true copies, orders to show cause, each, \$3.00.

Marking true copies of other papers, each, \$3.00.

Authorization of process, \$5.00.

Swearing each witness, \$2.00.

Adjournment or continuance, \$15.00.

Miscellaneous orders of court, first page, \$5.00.

For each additional page, \$5.00.

Recording, microfilming or photostating all papers not herein provided for, \$5.00 for each page.

For making copies not otherwise provided for, \$3.00 for each page.

Filing transcript of death certificate, \$5.00.

Power of attorney, per page \$5.00 plus \$5.00 for certified mail.

Search fee, per estate \$10.00.

Proceedings relative to appointment of a guardian ad litem, \$25.00.

Renunciation by one person, filing, entering and recording, or photostating, \$5.00. Each additional person, \$3.00.

Caveat, filing or withdrawing, \$25.00.

Combined refunding bond and release of not more than two pages, filing, entering, microfilming and recording, or photostating, \$10.00. \$5.00 for each additional page. Additional charge for county clerk's certificate, \$5.00.

Release of not more than two pages of refunding bond and release, \$10.00. \$5.00 for each additional page. Additional charge for county clerk's certificate, \$5.00.

Assignments of legacy or interest, \$10.00 per page, plus \$5.00 where county clerk's



certificate is necessary.

Filing all papers not herein provided for, \$5.00, if microfilming process is used, \$5.00 per page.

Plain copy of two-page will, \$6.00.

Each additional page, \$3.00.

Filing of motions in the Superior Court, Chancery Division, Probate Part, \$15.00.

Notice of appeal (trial court), \$10.00.

Minimum charge for all other papers or services in proceedings in the Superior Court, Chancery Division, Probate Part, \$5.00.

3B:14-48 Service of Process by Surrogate, \$25.00.

Duplicating or copying of microfiche, digital tape, high density disks, optically scanned and recorded materials or for any other media used to record or preserve records, \$150.00 per medium recorded.

Processing fee for returned check, \$20.00 plus bank fee.

4. Section 2 of P.L.1965, c.123 (C.22A:4-4.1) is amended to read as follows:

C.22A:4-4.1 Fees for services of county clerks and registers.

2. County clerks and registers of deeds and mortgages, in counties having such offices, shall charge for the services herein enumerated the following fees:

|                                                                                                                                                                                                  | Fee     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| For recording veteran's discharge papers .....                                                                                                                                                   | No fee  |
| For recording any instrument:                                                                                                                                                                    |         |
| First page .....                                                                                                                                                                                 | \$25.00 |
| Each additional page or part thereof .....                                                                                                                                                       | \$ 5.00 |
| Each rider, insertion, addition, or any map, plat or sketch filed<br>or recorded pursuant to subsection (c) of section 2 of P.L.1957,<br>c.130 (C.48:3-17.3) .....                               | \$ 5.00 |
| For entering the marginal notation of an order judgment, statement<br>or warrant discharging, annulling a notice of lis pendens and for<br>filing such order, judgment or statement .....        | \$ 5.00 |
| For filing a lis pendens foreclosure.....                                                                                                                                                        | \$25.00 |
| Notation .....                                                                                                                                                                                   | \$5.00  |
| For preparing and transmitting to the assessor, collector, or other<br>custodian of the assessment map of any taxing district, the<br>abstract of an instrument evidencing title to realty ..... | \$ 5.00 |
| For entering the marginal notation of a discharge or release of a<br>New Jersey building and loan or savings and loan mortgage and<br>forwarding abstract .....                                  | \$ 5.00 |
| For entering the marginal notation of a discharge, assignment,<br>postponement or release of a mortgage, other than building<br>and loan and savings and loan mortgages .....                    | \$ 5.00 |
| For the cancellation of any mortgage. ....                                                                                                                                                       | \$15.00 |
| For a marginal notation of the discharge of a mortgage in counties<br>where mortgages are indexed under a system requiring a duplication<br>of indices and description. ....                     | \$ 5.00 |

|                                                                                                                                                                                       |       |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|---------|
| For filing and recording notice of federal tax lien or other federal lien<br>or certificate discharging such lien                                                                     | ..... | \$20.00 |
| For filing a notice of settlement                                                                                                                                                     | ..... | \$15.00 |
| For filing each map, plat, plan or chart (except when presented<br>by the State or its agencies or filed pursuant to subsection<br>(c) of section 2 of P.L.1957, c.130 (C.48:3-17.3)) | ..... | \$50.00 |
| For recording tax sale certificate, except by municipalities, or a<br>redemption or assignment of tax sale certificate, first page                                                    | ..... | \$25.00 |
| Each additional page or part thereof                                                                                                                                                  | ..... | \$ 5.00 |
| Certified copy of veteran's discharge                                                                                                                                                 | ..... | \$ 1.00 |
| For indexing any recorded instrument<br>in excess of 5 parties, per each name<br>in excess of 5.                                                                                      | ..... | \$ 1.00 |
| For recording tax sale certificate, lien, deed, or related instrument<br>by a municipality.                                                                                           | ..... | \$ 3.00 |
| For recording vacations or dedications of roads, first page                                                                                                                           | ..... | \$25.00 |
| Each additional page or part thereof                                                                                                                                                  | ..... | \$ 5.00 |
| For disclaimers                                                                                                                                                                       | ..... | \$10.00 |
| For reimbursement agreements                                                                                                                                                          | ..... | No fee  |

5. N.J.S.22A:4-8 is amended to read as follows:

Fees and mileage of sheriffs and other officers.

22A:4-8. For the services hereinafter enumerated sheriffs and other officers shall receive the following fees:

In addition to the mileage allowed by law, for serving every summons and complaint, attachment or any mesne process issuing out of the Superior Court, the sheriff or other officer serving such process shall, for the first defendant or party on whom such process is served, be allowed \$22.00 and, for service on the second defendant named therein, \$20.00, and for serving such process on any other defendant or defendants named therein, \$16.00 each, and no more. If a man and his wife be named in such process they shall be considered as one defendant, except where they are living separate and apart.

Serving summons and complaint in matrimonial actions, in addition to mileage, \$22.00.

Serving capias ad respondendum, capias ad satisfaciendum, warrant of commitment, writ of ne exeat, in addition to mileage, \$48.00.

Serving order to summon juries and return, \$8.00.

Serving every execution against goods or lands and making an inventory and return, in addition to mileage, \$48.00.

For returning every writ, \$2.00.

Executing every writ of possession and return, in addition to mileage, \$48.00.

Executing every writ of attachment, sequestration or replevin issuing out of any of the courts, in addition to mileage, \$48.00.

For serving each out-of-State paper, in addition to the mileage allowed by law, \$25.00 for the first defendant on whom such paper is served, \$20.00 for service on the second defendant named therein, and \$16.00 for serving such paper on any other defendant or defendants named therein. If a man and wife be named in such paper, they shall be considered as one defendant, except where they are living separate and apart.

For serving or executing any process or papers where mileage is allowed by law, the officer shall receive mileage actually traveled to and from the courthouse, at the rate per mile of \$0.16.

The sheriff shall be entitled to retain out of all moneys collected or received by him on a forfeited recognizance, whether before or after execution, or from ameracements, or from fines and costs on conviction, on indictment or otherwise, whether such moneys are payable to the State or to the county treasurer of the county wherein conviction was had, 5%.

For transporting each offender to the State Prison, per mile, but not less than \$3.00 for each offender, to be certified by the keeper of the prison and the certificate to be delivered to the

county treasurer of the county where the conviction was had, \$0.23.

#### EXECUTION SALES

When a sale is made by virtue of an execution the sheriff shall be entitled to charge the following fees: On all sums not exceeding \$5,000.00, 6%; on all sums exceeding \$5,000.00 on such excess, 4%; the minimum fee to be charged for a sale by virtue of an execution, \$50.00.

On an execution against wages, commissions and salaries, the sheriff shall charge the same percentage fees on all sums collected as those percentage fees applicable in cases wherein an execution sale is consummated.

When the execution is settled without actual sale and such settlement is made manifest to the officer, the officer shall receive 1/2 of the amount of percentage allowed herein in case of sale.

Making statement of execution, sales and execution fees, \$10.00.

Advertising the property for sale, provided the sheriff or deputy sheriff attend in pursuance of the advertisement, \$20.00.

Posting property for sale, \$20.00.

For the crier of the vendue, when the sheriff proceeds to sell, for every day he shall be actually employed in such sale, \$5.00.

Every adjournment of a sale, but no more than one adjournment shall be allowed, and if the sheriff shall have several executions against a defendant, he shall only be allowed for advertising, attending and adjourning, as if he had but one execution, \$28.00.

Drawing and making a deed to a purchaser of real property, \$75.00.

Drawing and making a bill of sale to the purchaser of personal property when such bill of sale is required or demanded, \$20.00.

When more than one execution shall be issued out of the Superior Court upon any judgment, each sheriff to whom such execution shall be directed and delivered shall be entitled to collect and receive from the defendant named in such execution the fees allowed by law for making a levy and return and statement thereon, or for such other services as may be actually performed by him, and the sheriff who shall collect the amount named in said execution or any part thereof, shall be entitled to the legal percentage upon whatever amount may be so collected by him, but in case any such judgment shall be settled between the parties and the amount due thereon shall not be collected by either sheriff, then the percentage on the amount collected which would be due the sheriff thereon in case only one execution had been issued shall be equally divided among the several sheriffs in whose hands an execution in the same cause may have been placed.

The sheriff shall file his taxed bill of costs with the clerk of the court out of which execution issued, within such time as the court shall direct by general rule or special order, or, in default thereof, he shall not be entitled to any costs. If any sheriff shall charge in such bill of costs for services not done, or allowed by law, or shall take any greater fee or reward for any services by him done than is or shall be allowed by law, he shall be liable for the damages sustained by the party aggrieved including a penalty of \$30.00, to be recovered in a summary manner, in the action or proceeding wherein the execution was issued or otherwise.

C.22A:4-8.1 County treasurer responsible for fees of sheriffs, use.

6. a. The county treasurer shall be responsible for all fees received by or deposited with the county sheriff pursuant to N.J.S.22A:4-8. The county sheriff shall account to the county treasurer for all these fees.

b. The county treasurer shall deposit into a trust fund dedicated to the sheriff's office \$2.00 of each fee over the amount of \$3.00 received for a service enumerated in N.J.S.22A:4-8. Such sums shall be deposited within 10 days of receipt by the county treasurer. Monies in the trust fund shall be used to upgrade and modernize the services provided by their offices. As used in this section, "to upgrade and modernize the services" shall not include the costs associated with employing personnel and shall not include offset of existing salary or new positions. The monies in the trust fund shall not be used for budgetary reduction by the counties.

c. Notwithstanding any provision of law to the contrary, monies received by a county sheriff attributable solely to the amount of fee increases for services enumerated in N.J.S.22A:4-8

pursuant to the amendments set forth in section 5 of P.L.2001, c.370, that exceed in any year the amount by which the annual minimum salary of the sheriff fixed pursuant to N.J.S.40A:9-104 exceeds the amount of the county sheriff's salary in effect on November 1, 2000, shall be used for budgetary reduction by the county and shall be reflected as a county tax levy reduction.

7. N.J.S.22A:4-17 is amended to read as follows:

Disposition of fees of county officers.

22A:4-17. All fees, costs, allowances, percentages and other perquisites of whatever kind which surrogates, county clerks in their several capacities, registers of deeds and mortgages, and sheriffs or persons employed in their offices are entitled to charge and receive for any official acts or services they may render shall be for the sole use of the county and shall be accounted for regularly to the county treasurer; however, such monies shall be utilized to increase the salaries of surrogates, county clerks, registers of deeds and mortgages and sheriffs, except as provided in section 6 of P.L.2001, c.370 (C.22A:4-8.1), section 7 of P.L.1985, c.422 (C.22A:4-17.1) and section 4 of P.L.1988, c.109 (C.22A:4-17.2).

Such accounting shall be made on or before the fifteenth day of each month on form blanks supplied by the county treasurer. The statement of account shall clearly set forth all sums charged or taxed or which shall have accrued or become payable during the preceding month. Such statements shall be made under oath and filed in the office of the county treasurer as public records.

Such statements when received by the county treasurer shall be forthwith audited by the county auditor or other proper officer.

On or before the twentieth day of each month surrogates, county clerks, registers of deeds and mortgages, and sheriffs shall pay over the amount of such fees and moneys to the county treasurer and such officers shall be personally liable to the county for such fees and moneys.

The penalty for each day's neglect to file the required statement of account or to pay over such moneys shall be one hundred dollars (\$100.00) to be recovered in the name of the board of chosen freeholders of the county in a civil action in the Superior Court, and said officers may also be proceeded against by proceeding in lieu of prerogative writ.

8. Section 4 of P.L.1988, c.109 (C.22A:4-17.2) is amended to read as follows:

C.22A:4-17.2 Funds for service modernization, budgetary reduction

4. a. The county treasurer shall return to the county surrogate \$2.00 of each fee received for the probate of a will; for the grant of general administration; for the grant of letters of guardianship; for the grant of letters of trusteeship for the filing of inventories; for the filing of accountings; and for any other proceeding filed, recorded or issued in the surrogate's court. Such sums shall be returned within 10 days of receipt by the county treasurer.

b. Monies received by the county surrogates pursuant to the provisions of subsection a. of this section shall be used to upgrade and modernize the services provided by their offices. These monies shall not be used for budgetary reduction by the counties.

c. Notwithstanding any provision of law to the contrary, monies received by a county surrogate attributable solely to the amount of fee increases for services enumerated in N.J.S.22A:2-30 pursuant to the amendments set forth in section 3 of P.L.2001, c.370, that exceed in any year the amount by which the annual minimum salary of the surrogate fixed pursuant to N.J.S.2B:14-3 exceeds the amount of the surrogate's salary in effect on November 1, 2000, shall be used for budgetary reduction by the county and shall be reflected as a county tax levy reduction.

9. Section 7 of P.L.1985, c.422 (C.22A:4-17.1) is amended to read as follows:

C.22A:4-17.1 Funds to upgrade services, budgetary reduction.

7. a. The county treasurer shall return to the county clerk or the register of deeds and mortgages \$2.00 of each fee received for the recording, filing or cancelling of a document in the

office of the county clerk or register of deeds and mortgages. Such sums shall be returned within 10 days of receipt of the fee by the county treasurer.

b. Monies received by the county clerks or registers of deeds and mortgages pursuant to the provisions of subsection a. shall be used to upgrade and modernize the services provided by their offices.

c. The provisions of subsection a. shall not apply to fees received from municipalities for recording, filing or cancelling documents.

d. Notwithstanding any provision of law to the contrary, monies received by a county clerk attributable solely to the amount of fee increases for services enumerated in N.J.S.22A:2-29 pursuant to the amendments set forth in section 2 of P.L.2001, c.370 and enumerated in section 2 of P.L.1965, c.123 (C.22A:4-4.1) pursuant to the amendments set forth in section 4 of P.L.2001, c.370, that exceed in any year the amount by which the annual minimum salary of the county clerk fixed pursuant to N.J.S.40A:9-76 exceeds the amount of the county clerk's salary in effect on November 1, 2000, shall be used for budgetary reduction by the county and shall be reflected as a county tax levy reduction.

e. Notwithstanding any provision of law to the contrary, monies received by a register of deeds and mortgages attributable solely to the amount of fee increases for services enumerated in section 2 of P.L.1965, c.123 (C.22A:4-4.1) pursuant to the amendments set forth in section 4 of P.L.2001, c.370 that exceed in any year the amount by which the annual minimum salary of the register of deeds and mortgages fixed pursuant to N.J.S.40A:9-92 exceeds the amount of the salary of the register of deeds and mortgages in effect on November 1, 2000, shall be used for budgetary reduction by the county and shall be reflected as a county tax levy reduction.

10. N.J.S.40A:9-76 is amended to read as follows:

Salary of county clerk in certain counties.

40A:9-76. The board of chosen freeholders in each county, by resolution, shall fix the annual salary of the county clerk in an amount equal to not less than sixty-five percent (65%) of the annual salary of a Judge of the Superior Court. Nothing in this section shall be construed to require that a county clerk whose annual salary exceeds the amount provided for herein shall be reduced, or that a board of chosen freeholders may not increase the salary of a county clerk in excess of the amount provided for herein.

Nothing in this section shall authorize the fixing of the salary of any person holding the office of county clerk at any amount less than that now payable pursuant to law, so long as the said person shall hold such office during the present and any consecutively ensuing term or terms, nor shall anything in this section authorize the payment of any salary for which a range is established in an amount less than the minimum of said range.

The salary of said officer shall be paid by the proper county disbursing officer in the same manner as county officers and employees are paid.

11. N.J.S.40A:9-92 is amended to read as follows:

Salary of register of deeds and mortgages.

40A:9-92. The board of chosen freeholders in each county, by resolution, shall fix the annual salary of the register of deeds and mortgages in an amount equal to not less than sixty-five percent (65%) of the annual salary of a Judge of the Superior Court. Nothing in this section shall be construed to require that a register whose annual salary exceeds the amount provided for herein shall be reduced, or that a board of chosen freeholders may not increase the salary of a register in excess of the amount provided for herein.

Nothing in this section shall authorize the fixing of the salary of any person holding the office of register of deeds and mortgages at any amount less than that now payable pursuant to law, so long as the said person shall hold such office during the present and any consecutively ensuing term or terms, nor shall anything in this section authorize the payment of any salary for which a range is established in an amount less than the minimum of said range.

The salary of said officer shall be paid by the proper county disbursing officer in the same

manner as county officers and employees are paid.

12. N.J.S.40A:9-104 is amended to read as follows:

Salary of sheriff.

40A:9-104. The board of chosen freeholders in each county, by resolution, shall fix the annual salary of the sheriff in an amount equal to not less than sixty-five percent (65%) of the annual salary of a Judge of the Superior Court. Nothing in this section shall be construed to require that a sheriff whose annual salary exceeds the amount provided for herein shall be reduced, or that a board of chosen freeholders may not increase the salary of a sheriff in excess of the amount provided for herein.

Nothing in this section shall authorize the fixing of the salary of any person holding the office of sheriff at any amount less than that now payable pursuant to law, so long as the said person shall hold such office during the present and any consecutively ensuing term or terms, nor shall anything in this section authorize the payment of any salary for which a range is established in an amount less than the minimum of said range.

The salary of said officer shall be paid by the proper county disbursing officer in the same manner as county officers and employees are paid.

C.22A:2-51.1 Dedicated check off fee revenues for upgrading and modernizing services, capital plan.

13. With regard to all increased check off fee charges, the revenues from which are dedicated to upgrading and modernizing the services provided by the offices of constitutional officers, pursuant to the provisions of P.L.2001, c.370 (C.22A:4-8.1 et al.) or any other provision of law:

a. Each constitutional officer shall prepare and submit to the board of chosen freeholders, for its approval, a five-year capital plan setting forth the capital purposes to which the check off fee revenues are to be applied, which purposes shall include improving recording and election related records when applicable;

b. Any dispute concerning the use of the check off fee revenues shall be submitted to and resolved by the assignment judge of the county, who shall be the final arbiter of such disputes;

c. Check off fee revenues shall not be used for budgetary reduction by the county and the Director of the Division of Local Government Services in the Department of Community Affairs shall require the amendment of any county budget that is not in compliance with the requirements of this subsection;

d. Interest earned on check off fee revenues held in a dedicated or trust account shall accrue to that account and shall be used only for the purposes of check off fee revenues.

14. This act shall take effect immediately.

Approved January 8, 2002.