

[First Reprint]  
ASSEMBLY, No. 2565  
STATE OF NEW JERSEY  
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Sponsored by:  
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**SYNOPSIS**

Revises law relating to title recordation.

**CURRENT VERSION OF TEXT**

As amended by the Senate on December 15, 2011.

AN ACT concerning title recordation and revising various parts of the statutory law.

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

1. Three additional chapters, chapters 26A, 26B, 26C are added to Title 46 of the Revised Statutes as follows:

TITLE 46  
CHAPTER 26A  
RECORDING

46:26A-1. Definitions: document and recorded.

For the purpose of this chapter:

a. "Document" includes both:

- (1) paper documents, and
- (2) electronic documents, documents created, communicated or stored by electronic means;

b. A document is "recorded" if:

- (1) the document or its image has been placed in the permanent records of the recording office, and
- (2) the document has been indexed as provided by this chapter.

Source: New

46:26A-2. Documents that may be recorded.

Documents affecting real property entitled to recording are:

- a. deeds or other conveyances, releases, or declarations of trust of any interest;
- b. powers of attorney for conveyance or release of any interest;
- c. leases, or memoranda of leases, for life or a term not less than two years;
- d. mortgages or other conveyances in the nature of a mortgage;
- e. liens or encumbrances and releases of liens or encumbrances on any interest;
- f. assignments, discharges, cancellations, or releases;
- g. options and rights of first refusal;
- h. certified copies of judgments, decrees and orders of courts of record;
- i. reports of condemnation commissioners filed with the Superior Court; declarations of taking duly executed by executive officials of condemnors in accordance with section 17 of P.L.1971, c.361 (C.20:3-17);
- j. notices of federal tax liens, liens arising from the federal "Comprehensive Environmental Response, Compensation and Liability Act of 1980," Pub.L.96-510 (42 U.S.C.9601 et seq.), and other federal liens, which any Act of Congress or regulation adopted pursuant to it provides for filing of notice in the recording office designated by a state, and certificates discharging such liens;
- k. restrictions affecting the real property or its use;
- l. notices of settlement as provided by this chapter;
- m. maps as provided by this chapter;
- n. condominium master deeds and unit deeds as defined by law;
- o. cooperative master declarations and proprietary leases as defined by law;
- p. any other document that affects title to any interest in real property in any way or contains any agreement in relation to real property, or grants any right or interest in real property or grants any lien on real property; and
- q. any other document relating to real property that is directed to be recorded by any statute or court order.

Source: 46:16-1.

46:26A-3. Prerequisites for recording.

a. A document satisfies the prerequisites for recording if it appears from the document or the image of it delivered to the recording office that:

- (1) the document is in English or accompanied by a translation into English;
- (2) the document bears a signature;

- (3) the document (including a corrected document submitted for re-recording) is acknowledged or proved as provided by Title 46 of the Revised Statutes;
- (4) the names are printed beneath all signatures that appear on the document;
- (5) if the document is a deed conveying title to real property, it
  - (a) fulfills the requirements of P.L.1968, c.49, s.2 (C.46:15-6),
  - (b) includes a reference to the lot and block number of the real property conveyed as designated on the tax map of the municipality at the time of the conveyance or the account number of the real property,
  - (c) includes the name of the person who prepared the deed, and
  - (d) includes the mailing address of the grantee. If the real property has been subdivided, the reference shall be preceded by the words "part of." If no lot and block or account number has been assigned to the real property, the deed shall state that fact, and
- (6) if the document is an assignment, release or satisfaction of a mortgage or an agreement respecting a mortgage, it states the book and page number or the document identifying number of the mortgage to which it relates if the mortgage has been given such a number.
  - b. A document, whether made by an individual, corporation or other entity, is not required to be executed under seal, or to contain words referring to execution under seal.

Source: 46:15-1.1; 46:18-1.

#### 46:26A-4. Exceptions to prerequisites to recording.

Notwithstanding the prerequisites to recording in section 26A-3, the following may be recorded:

- a. documents that establish or evidence a trust under which a fiduciary has acquired real property if accompanied by an affidavit of the fiduciary that the document is an original trust document;
- b. ancient documents that cannot be acknowledged or proved because of the death or other disability of the grantors and subscribing witnesses, accompanied by an affidavit made by a person claiming to derive title from the document stating that the affiant truly believes that quiet, continuous, adverse and undisturbed possession of the real property has been enjoyed by virtue of the document for the period applicable for adverse possession;
- c. documents other than those listed in section 26A-2 that by their nature cannot be acknowledged or proved, accompanied by an affidavit made by a person claiming to derive title to the real property stating that the document is genuine and how the document relates to title to the real property;
- d. notices of federal tax liens, liens arising from the federal "Comprehensive Environmental Response, Compensation and Liability Act of 1980," Pub.L.96-510 (42 U.S.C. 9601 et seq.), and other federal liens, which any Act of Congress or regulation adopted pursuant to it provides for filing of notice in the recording office designated by a state, and certificates discharging such liens;
- e. maps as provided by P.L. , c. (C. ) (pending before the Legislature as this bill);
- f. notices of settlement executed by an attorney at law or authorized representative of a party in accordance with P.L. , c. (C. ) (pending before the Legislature as this bill);
- g. certified copies of:
  - (1) judgments, decrees, or orders of any court of record and petitions filed in a United States Bankruptcy Court;
  - (2) government issued documents affecting title to real property, including declarations of takings duly executed by executive officials of condemnors in accordance with section 17 of P.L.1971, c.361, (C.20:3-17);
  - (3) documents recorded or filed in any public recording office in the United States;
- h. a recorded mortgage bearing an endorsement:
  - (1) authorizing cancellation of the mortgage signed by the mortgage holder; and
  - (2) made on the original mortgage that bears on it the receipt given by the county recording officer at the time it was recorded; and
- i. any other document that is permitted by another statute to be recorded or filed without acknowledgment.

Source: 46:16-1.1; 46:16-4.1; 46:16-4.2; 46:16-4.3; 46:16-5.1; 46:16-7; 46:16-9; 46:16-10; 46:16-13; 46:16-14; 46:16-15; 46:16-17.

#### 46:26A-5. Form of documents and maps; cover sheet or electronic synopsis.

- a. To be accepted for recording, a document or its image shall be either:
  - (1) legibly printed on paper no larger than 8½ inches by 14 inches; or

(2) in compliance with regulations on the form of documents promulgated by the Division of Archives and Records Management in the Department of State.

b. A document or its image accepted for recording may be accompanied by a cover sheet or an electronic synopsis separate from the document or integrated with the document. The Division of Archives and Records Management in the Department of State shall establish forms for cover sheets and formats for electronic synopses. The form for a separate cover sheet shall be available at every recording office and on a web site maintained by the Division of Archives and Records Management. The cover sheet or electronic synopsis shall include:

- (1) the nature of the document;
- (2) the date of the document;
- (3) the names of the parties to the document and any other names by which the document is to be indexed;
- (4) if the document is a deed conveying title to real property:
  - (i) the lot and block number or other real property tax designation of the real property conveyed or a statement that the information is not available;
  - (ii) the consideration for the conveyance;
  - (iii) the mailing address of the grantee; and
- (5) if the document is an assignment, release or satisfaction of a mortgage or an agreement respecting a mortgage, it states the book and page number or the document identifying number of the mortgage to which it relates if the mortgage has been given such a number.

c. If the person submitting the document for recording does not include a cover sheet or electronic synopsis, the recording office shall charge an additional fee of \$20 for the additional cost of indexing.

d. To be accepted for recording, a map shall be clearly and legibly drawn in black ink on translucent tracing cloth, translucent mylars at least 4 mils thick or its equivalent, of good quality, with signatures in ink, or as an equivalent reproduction on photographic fixed line mylar 4 mils thick with signatures in black ink or its equivalent and accompanied by a cloth print or photographic fixed line mylar 4 mils thick duplicate; and one of six standard sizes: 8 1/2" x 13", 30" x 42", 24" x 36", 11" x 17", 18" x 24" or 15" x 21" as measured from cutting edges. If one sheet is not of sufficient size to contain the entire territory, the map may be divided into sections to be shown on separate sheets of equal sizes, with references on each sheet to the adjoining sheets.

e. The regulations of the Division of Archives and Records Management specifying the form of documents shall comply with rules, standards and procedures authorized by the State Records Committee pursuant to its authority under section 6 of P.L.1994, c.140 (C.47:1-12) and the "Destruction of Public Records Law (1953)," P.L.1953, c.410 (C.47:3-15 et seq.).

f. A county recording office shall not be required to accept for recording a cover sheet or electronic synopsis pursuant to subsections (b) and (c) of this section until five years after the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill). This provision shall not operate to prevent or preclude any county recording officer from adopting the use of the document summary form or electronic synopsis prior to that date.

Source: New; 46:19-3; 46:23-9.11.

46:26A-6. Duty to record; recording officer's books, methods.

a. The county recording officer shall record any document or map affecting the title to real property located in the county, delivered for recording, provided the document:

- (1) is in the form required by P.L. , c. (C. ) (pending before the Legislature as this bill),
- (2) appears to comply with requirements for recording specified in P.L. , c. (C. ) (pending before the Legislature as this bill), and
- (3) is accompanied by payment of any required fee and any state tax, if applicable, except that a State agency shall be afforded an opportunity to pay on a periodic basis on an account established with the county recording officer.

b. Every document or map shall be recorded and indexed not later than two business days after its receipt.

c. A document or map that is rejected shall be returned to the person who delivered it for recording with a statement of all grounds for its rejection within three business days after its receipt.

d. When a document is recorded, a book and page number or other permanent, unique document identifying number shall be assigned to the document.

e. Recording shall be done by a method that:

- (1) produces a clear, accurate and permanent image of a document,
- (2) allows the document to be found by use of the indexes maintained, and
- (3) is authorized by R.S.47:1-5 and is in conformance with rules, standards and procedures

promulgated by the Division of Archives and Records Management in the Department of State and approved by the State Records Committee pursuant to its authority under section 6 of P.L.1994, c.140 (C.47:1-12) and the "Destruction of Public Records Law (1953)," P.L.1953, c.410

(C.47:3-15 et seq.)<sup>1</sup>; provided, however, that the Division of Archives and Records Management and the State Records Committee shall establish rules, standards, and procedures for recording in conjunction and collaboration with the county recording officers<sup>1</sup>.

f. For documents recorded before the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill), the recording office shall:

- (1) retain the documents or clear, accurate and permanent images of the documents, and
- (2) maintain indexes that allow the documents to be found.

g. The Division of Archives and Records Management and the State Records Committee shall consult with the Office of Telecommunications and Information Systems in the Department of the Treasury in the development of general technical standards for record keeping. Notwithstanding any general technical standards developed pursuant to this section, the State Records Committee may adopt rules and regulations to authorize pilot programs for various individual counties in order to evaluate alternative technologies for the preservation of records.

h. When a discharge, assignment, extension or postponement of a mortgage is recorded, the recording officer may make a marginal notation on the mortgage affected indicating the book and page number or document identifying number of the discharge, assignment, extension or postponement.

Source: 46:19-1; 46:19-3; 46:8D-4.

46:26A-7. Receipts for documents presented for record.

Upon request, the county recording officer shall:

- a. furnish a receipt for the document and fees paid; and
- b. return a copy of the document with the date and time it was received for recording, the fee paid, and the book and page number or other permanent, unique document identifying number assigned to the document. If the copy returned is a paper document, the information shall be endorsed on the document. If the copy returned is an electronic document, then the receipt shall be sent electronically.

Source: 46:19-4; 46:19-5.

46:26A-8. Indexes; entries.

a. The county recording officer shall maintain one index of all recorded documents and may make other separate, classified, analytical or combination indexes.

b. A deed or other conveyance shall be indexed by the names of its grantors and grantees, and also shall be indexed by the name of:

- (1) the testator or intestate if a deed or other conveyance is made by executors or administrators;
- (2) the person granting the power of attorney if a deed is made under power of attorney;
- (3) the defendants in the execution for which the sale was made if a deed is made by a sheriff; and
- (4) the person whose property has been conveyed if a deed is made by a person appointed to convey property by a court.

c. A mortgage shall be indexed by the names of the mortgagors and mortgagees.

d. An assignment, extension, postponement, modification or discharge of a mortgage shall be indexed by the names of the mortgagors, assignors and assignees.

e. A trust instrument shall be indexed by the names of the parties to the instrument and in the names of beneficiaries if they appear.

f. Any other document shall be indexed by the names of the parties to it.

g. A document shall also be indexed by additional names requested by the person submitting the document for recording if an affidavit is presented at the time the document is presented for recording

attesting to 1facts establishing the specific relationship of the names to the document submitted and<sup>1</sup> the need for indexing the document by the additional names supplied.

h. A document shall be indexed from the information supplied on its cover sheet or electronic synopsis if one is submitted. A recording officer shall not be liable for differences between the cover sheet or electronic synopsis and the document.

i. If a law requires a notation be placed on or in the margin of any recorded or filed document, the statutory requirement for marginal notations shall be satisfied by recording and indexing the document.

Source: 46:20-1; 46:20-3; 46:20-5; 46:19-2.

46:26A-9. Sequence of recording.

The county recording officer shall record and index documents in the order received. If two documents affecting the same property are submitted for recording by the same person and are received at the same time, the county recording officer shall record and index the documents in the order requested by the person who submitted them.

Source: New; 46:19-3; 46:20-2.

46:26A-10. Documents filed as provided by other statutes.

When a statute outside of this chapter provides that a document relating to real property be filed rather than recorded:

a. requirements for the form and content of the document shall be those established by the statute outside of this chapter;

b. the document shall be recorded with all other documents affecting real property using the method established by section 26A-6(e) of this chapter; and

c. the document shall be indexed with all other documents affecting real property as provided by section 26A-8 of this chapter.

Source: New.

46:26A-11. Notices of settlement.

a. A party to a settlement which will convey an interest in real property, a mortgage on real property, or both, or the authorized representative of a party or a licensed title insurance producer, may execute a document titled "notice of settlement" and record it in the county recording office of the county in which the real property is located. The county recording officer may charge a fee not to exceed the fee charged for the recording of notices of federal tax liens.

b. The notice of settlement shall be signed by a party to the settlement or a party's authorized representative and shall state the names of the parties to the settlement and a description of the real property. If the notice is executed by anyone other than an attorney at law of this State, the execution shall be acknowledged or proved in the manner of acknowledgment or proof of deeds.

c. A notice of settlement shall be in substantially the following form:

Name .....

Address .....

(Seller or Mortgagor)

NOTICE OF SETTLEMENT

Name .....

Address .....

(Purchaser or Mortgagee)

NOTICE is hereby given of a .....(contract, agreement or mortgage commitment) between the parties.

THE lands to be affected are described as follows:

Premises in the ..... of ....., (municipality) County of ..... and State of New Jersey, commonly known as ..... (street address) and more particularly described as follows:

(legal description)

Name of party or authorized representative .....

Address .....

(acknowledgment)

d. A notice of settlement shall be effective for 60 days from the date of recording, unless it is terminated by the recording of a "discharge of notice of settlement." The effective period of a notice of settlement may be extended for one period of 60 days by recording an additional notice of settlement before the expiration or discharge of the notice of settlement.

e. A discharge of notice of settlement shall be substantially in the form prescribed for a notice of settlement and shall be recorded by the party or authorized representative who recorded the notice of settlement. The recording officer shall record and index each discharge in the same fashion as a notice of settlement.

f. Any person who claims an interest in or lien on the real property described in the notice of settlement arising during the time that a notice of settlement is effective shall be deemed to have acquired the interest or lien with knowledge of the anticipated settlement and shall be subject to the estate or interest created by the deed or mortgage described in the notice of settlement provided the deed or mortgage is recorded within the time that the notice is effective.

Source: 46:16A-1 through 46:16A-5.

46:26A-12. Effect of recording.

a. Any recorded document affecting the title to real property is, from the time of recording, notice to all subsequent purchasers, mortgagees and judgment creditors of the execution of the document recorded and its contents.

b. A claim under a recorded document affecting the title to real property shall not be subject to the effect of a document that was later recorded or was not recorded unless the claimant was on notice of the later recorded or unrecorded document.

c. A deed or other conveyance of an interest in real property shall be of no effect against subsequent judgment creditors without notice, and against subsequent bona fide purchasers and mortgagees for valuable consideration without notice and whose conveyance or mortgage is recorded, unless that conveyance is evidenced by a document that is first recorded.

Source: 46:21-1; 46:22-1.

## CHAPTER 26B MAPS

46:26B-1. Definitions.

As used in P.L. , c. (C. ) (pending before the Legislature as this bill):

"Condominium plan" means a survey of the condominium property in sufficient detail to identify the location and dimensions of units and common elements, which shall be filed in accordance with the requirements of section 3 of P.L.1960, c.141 (C.46:23-9.11). A condominium plan shall bear a certification by a land surveyor, professional engineer or architect authorized to practice in this State that the plan is a correct representation of the improvements described.

"Entire tract" means all of the property that is being subdivided including lands remaining after subdivision.

"General property parcel map" means a right of way parcel map showing a group of parcel and easement acquisitions for part of a highway or street project.

"Land Surveyor" means a person who is legally authorized to practice land surveying in this State as provided by P.L.1938, c.342 (C.45:8-27 et seq.).

"Map" includes a map, plat, condominium plan, right of way parcel maps of the State, county or municipality, chart, or survey of lands presented for approval to a proper authority or presented for filing as provided by P.L. , c. (C. ) (pending before the Legislature as this bill), but does not include a map, plat or sketch required to be filed or recorded under the provisions of P.L.1957, c.130 (C.48:3-17.2) or a subdivision plat for a subdivision that was granted final approval by a municipal approving authority on or prior to July 1, 1999.

"Municipal Engineer" means the official licensed professional engineer appointed by the proper authority of the municipality in which the territory shown on a map is located.

"Professional Engineer" means a person who is legally authorized to practice professional engineering in this State as provided by P.L.1938, c.342 (C.45:8-27 et seq.).

"Proper authority" means the chief legislative body of a municipality or other agencies to which the authority for approval of maps has been designated by ordinance.

"Right of way parcel map" means any general property parcel map which shows highways or street acquisitions and any associated easements for highway or street rights of way.

Source: 46:23-9.10.

46:26B-2. Requirements for approval or filing of a map.

a. A map shall not be approved by a proper authority unless it meets the requirements of this section specified for the kind of map involved. The following kinds of maps shall meet the following requirements:

- (1) Major subdivision plats shall meet all of the requirements of this section.
- (2) Right of way parcel maps shall meet the requirements of subsections b. (1), (2), (4), (5), (6), (7), (11) of this section.
- (3) Minor subdivision maps shall meet all of the requirements of this section except for the outside tract line monuments requirement of subsection b. (8).
- (4) Condominium plans shall meet the requirements of subsections b. (1), (4), (5), (6), (7) and (11).

b. No map requiring approval by law or that is to be approved for filing with a county, shall be approved by the proper authority unless it conforms to the following requirements:

- (1) A map shall show the scale, which shall be inches to feet and be large enough to contain legibly written data on the dimensions, bearings and all other details of the boundaries, and it shall also show the graphic scale.
- (2) A map shall show the dimensions, square footage of each lot to the nearest square foot or nearest one hundredth of an acre. Bearings and curve data shall include the radius, delta angle, length of arc, chord distance and chord bearing sufficient to enable the definite location of all lines and boundaries shown, including public easements and areas dedicated for public use. Non-tangent curves and non-radial lines shall be labeled. Right of way parcel maps shall show bearings, distances and curve data for the right of way or the center line or base line and ties to right of way lines if from a base line.
- (3) Where lots are shown thereon, those in each block shall be numbered consecutively. Block and lot designations shall conform with the municipal tax map if municipal regulations so require. In counties which adopt the local or block system of indices pursuant to sections 46:24-1 to 46:24-22 of the Revised Statutes, the map shall show the block boundaries and designations established by the board of commissioners of land records for the territory shown on the map.
- (4) The reference meridian used for bearings on the map shall be shown graphically. The coordinate base, either assumed or based on the New Jersey Plane Coordinate System, shall be shown on the plat.
- (5) All municipal boundary lines crossing or adjacent to the territory shall be shown and designated.
- (6) All natural and artificial watercourses, streams, shorelines and water boundaries and encroachment lines shall be shown. On right of way parcel maps all easements that affect the right of way, including slope easements and drainage, shall be shown and dimensioned.
- (7) All permanent easements, including sight right easements and utility easements, shall be shown and dimensioned.
- (8) The map shall clearly show all monumentation required by this chapter, including monuments found, monuments set, and monuments to be set. An indication shall be made where monumentation found has been reset. For purposes of this subsection "found corners" shall be considered monuments. A minimum of three corners distributed around the tract shall indicate the coordinate values. The outbound corner markers shall be set pursuant to regulations promulgated by the State Board of Professional Engineers and Land Surveyors.
- (9) The map shall show as a chart on the plat any other technical design controls required by local ordinances, including minimum street widths, minimum lot areas and minimum yard dimensions.
- (10) The map shall show the name of the subdivision, the name of the last property owners, the municipality and county.
- (11) The map shall show the date of the survey and shall be in accordance with the minimum survey detail requirements of the State Board of Professional Engineers and Land Surveyors.
- (12) A certificate of a land surveyor or surveyors, shall be endorsed on the map as follows:

I certify that to the best of my knowledge and belief this map and land survey dated ..... meet the minimum survey detail requirements of the State Board of Professional Engineers and Land Surveyors and the map has been made under my supervision, and complies with the "map filing law" and that the outbound corner markers as shown have been found, or set. (Include the following, if applicable)

I further certify that the monuments as designated and shown have been set.

.....  
Licensed Professional Land Surveyor and No.  
(Affix Seal)

(13) If the land surveyor who prepares the map is different from the land surveyor who prepared the outbound survey, the following two certificates shall be added in lieu of the certificate above.

(a) I certify to the best of my knowledge information and belief that this land survey dated ..... has been made under my supervision and meets the minimum survey detail requirements of the State Board of Professional Engineers and Land Surveyors and that the outbound corner markers as shown have been found, or set

.....  
Licensed Professional Land Surveyor and No.  
(Affix seal)

(b) I certify that this map has been made under my supervision and complies with the "map filing law." (Including the following if applicable)

I further certify that the monuments as designated and shown have been set.

.....  
Licensed Professional Land Surveyor and No.  
(Affix seal)

(c) If monuments are to be set at a later date, the following requirements and endorsement shall be shown on the map.

The monuments shown on this map shall be set within the time limit provided in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or local ordinance.

I certify that a bond has been given to the municipality, guaranteeing the future setting of the monuments as designated and shown on this map.

.....  
Municipal Clerk

(d) If the map is a right of way parcel map the project surveyor need only to certify that the monuments have been set or will be set.

(14) A certificate of the municipal engineer shall be endorsed on the map as follows:  
I have carefully examined this map and to the best of my knowledge and belief find it conforms with the provisions of "the map filing law," resolution of approval and applicable municipal ordinances and requirements.

.....  
Municipal Engineer (Affix Seal)

(15) An affidavit setting forth the names and addresses of all the record title owners of the lands subdivided by the map and written consent to the approval of the map of all those owners shall be submitted to the proper authority with the map.

(16) If the map shows highways, streets, lanes or alleys, a certificate shall be endorsed on it by the municipal clerk that the municipal body has approved the highways, streets, lanes or alleys, except where such map is prepared and presented for filing by the State of New Jersey or any of its agencies. The map shall show all of the street names as approved by the municipality.

Source: 46:23-9.11.

a. A map shall not be approved by a proper authority unless it meets the monumentation requirements of this section specified for the kind of map involved. The following kinds of maps shall meet the following requirements:

(1) Subdivision plats shall meet all of the requirements of this section.

(2) Right of way parcel maps shall meet the requirements of subsection b. (9) of this section.

b. Monuments are required on one side of the right of way only and shall be of metal detectable durable material at least 30 inches long. The top and bottom shall be a minimum of 4 inches square; if concrete, however, it may be made of other durable metal detectable material specifically designed to be permanent, as approved by the State Board of Professional Engineers and Land Surveyors. All monuments shall include the identification of the professional land surveyor or firm. They shall be firmly set in the ground so as to be visible at the following control points; provided that in lieu of installation of the monuments, the municipality may accept bond with sufficient surety in form and amount to be determined by the governing body, conditioned upon the proper installation of the monuments on the completion of the grading of the streets and roads shown on the map.

(1) At each intersection of the outside boundary of the whole tract, with the right-of-way line of any side of an existing street.

(2) At the intersection of the outside boundary of the whole tract with the right-of-way line on one side of a street being established by the map under consideration.

(3) At one corner formed by the intersection of the right-of-way lines of any two streets at a T-type intersection.

(4) At any two corners formed by the right-of-way lines of any two streets in an "X" or "Y" type intersection.

(5) If the right-of-way lines of two streets are connected by a curve at an intersection, monuments shall be as stipulated in (3) and (4) of this subsection at one of the following control points:

(a) The point of intersection of the prolongation of said lines,

(b) The point of curvature of the connecting curve,

(c) The point of tangency of the connecting curve,

(d) At the beginning and ending of all tangents on one side of any street, or

(e) At the point of compound curvature or point of reversed curvature where either curve has a radius equal to or greater than 100 feet. Complete curve data as indicated in subsection d. of this section shall be shown on the map, or

(f) At intermediate points in the sidelines of a street between two adjacent street intersections in cases where the street deflects from a straight line or the line of sight between the adjacent intersections is obscured by a summit or other obstructions which are impractical to remove. This requirement may necessitate the setting of additional monuments at points not mentioned above. Bearings and distances between the monuments or coordinate values shall be indicated.

(6) In cases where it is impossible to set a monument at any of the above designated points, a nearby reference monument shall be set and its relation to the designated point shall be clearly designated on the map; or the plate on the reference monument shall be stamped with the word "offset" and its relation to the monument shown on the filed map.

(7) In areas where permanency of monuments may be better insured by off-setting the monuments from the property line, the municipal engineer may authorize such procedure; provided, that proper instrument sights may be obtained and complete off-set data is recorded on the map.

(8) By the filing of a map in accordance with the provisions of "the map filing law," reasonable survey access to the monuments is granted, which shall not restrict in any way the use of the property by the landowner.

(9) On right of way parcel maps, the monuments shall be set at the points of curvature, points of tangency, points of reverse curvature and points of compound curvature or the control base line or center line, if used, and be intervisible with a second monument.

(10) On minor subdivisions a monument shall be set at each intersection of an outside boundary of the newly created lot or lots with the right of way line of any side of an existing street.

Source: 46:23-9.11(r).

46:26B-4. Approval of maps.

a. The proper authority shall approve or disapprove a map within 45 days from its receipt.

b. The approval of a map under this law by the proper authority shall not be construed as acceptance of any street or highway indicated on the map; nor shall approval obligate the State of New Jersey or any county or municipality, to maintain or exercise jurisdiction over those streets or highways.

Source: 46:23-9.12; 46:23-9.13.

46:26B-5. Additional prerequisites to filing.

The county recording officer shall not accept for filing any map, with the exception of a right-of-way parcel map, unless it has endorsed on it a certificate by the municipal clerk or secretary of the planning board stating:

- a. That the proper authority has approved the map or stating its exemption from approval;
- b. That the map complies with the provisions of this law; and
- c. The date by which the map is required to be filed by the applicable law.

Source: 46:23-9.14.

46:26B-6. Filing and indexing of maps, fee.

a. The county recording officer shall file a map if an original and a copy of the map are presented for filing, the map complies with all the requirements for filing and is accompanied with the fees for filing and indexing that are provided by law. <sup>1</sup>[No fee shall be charged when the map is presented by the State of New Jersey, or any of its agencies.]<sup>1</sup>

b. The original map and a duplicate shall be endorsed by the recording office with a receipt indicating the date of filing.

c. The original map shall be retained by the recording office in an appropriate manner for preservation and use for reproduction purposes.

d. Copies of filed maps shall be made available to the public at a reasonable cost.

Source: 46:23-9.15.

46:26B-7. Duplicates of maps in cities having atlases or block maps.

Whenever a map is filed in the office of the county recording officer of land in a municipality that has an atlas, or block map, on which is plotted the lots or subdivision of lots of lands, the person filing the map shall file a duplicate of the map, and the recording officer shall indorse on the duplicate the time of recording and filing of the original and deliver the duplicate to the officer of the city having charge of the atlas or block map.

This section shall have no application to maps filed by commissioners appointed to assess benefits derived from the construction of sewers, drains or other municipal improvements.

Source: 46:23-10.

46:26B-8. Approval and filing of duplicates of filed maps.

Whenever a map has been filed in the office of the county recording officer, and copies of it have been made that differ from the original only in title or style, and there have been made conveyances or liens, under which the lands intended to be conveyed or liened have been described by reference to the unfiled copy, the governing body of the municipality in which the land is located, by resolution, may approve the copy for filing in the manner prescribed by law. This approval and filing shall not constitute a dedication of the streets or lot locations as therein delineated and shall be merely for the identification of the lands conveyed or liened.

Source: 46:23-11.

## CHAPTER 26C GENERAL AND TRANSITIONAL

46:26C-1. Regulations.

a. The Division of Archives and Records Management in the Department of State in consultation with the County Clerks and Registers of Deeds and Mortgages shall adopt regulations to establish format and technical requirements for recorded documents to foster state-wide uniformity in title recordation and otherwise to implement P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this bill).

b. Regulations shall be adopted within 12 months after the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill).  
Source: New.

46:26C-2. "Uniform Electronic Transactions Act" superseded.

The provisions of P.L. , c. (C. ) (pending before the Legislature as this bill) shall take precedence over any conflicting provisions contained in sections 17 and 18 of the "Uniform Electronic Transactions Act," P.L.2001, c.116 (C.12A:12-17 and 12A:12-18).

The provisions of P.L. , c. (C. ) (pending before the Legislature as this bill) shall modify, limit and supersede the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. Section 7001, et seq.) but shall not modify, limit or supersede Section 101(c) of that act (15 U.S.C. Section 7001(c)) or authorize electronic delivery of any of the notices described in Section 103(b) of that act (15 U.S.C. Section 7003(b)).

Source: New.

46:26C-3 Review of Document Filing and Recording Fees.

a. Within two years of the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill), the Division of Archives and Records Management in the Department of State and the Department of the Treasury shall adopt rules and regulations requiring county clerks and registers of deeds and mortgages to report the number of documents recorded or filed and all document filing and recording fees that are collected by their offices, categorized by document type, to the division and to the department. The rules and regulations shall develop and implement a standard form and procedure for county clerks and registers of deeds and mortgages to utilize and follow in order to report the number of each type of document and the document filing and recording fees collected by their offices in order to enable the division and the department to prepare the reports required pursuant to this section. The standard form and procedure shall also identify the filing and recording fees delivered to the State Treasurer for deposit in the "New Jersey Public Records Preservation Account," established pursuant to section 39 of P.L. 2003, c.117 (C.22A:4-4.2).

b. Within three years of the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill), the Division of Archives and Records Management in the Department of State and the Department of the Treasury shall issue an interim report, displaying in a clear and concise manner, the information reported pursuant to subsection a. of this section, up to that point in time. The report shall specify, for each county, the time frame covered by the report, the number of documents recorded or filed categorized by document type and shall display the corresponding gross recording fee received by the clerk or register (before distribution or allocation to any dedicated fund) for each document type.

c. Within four years of the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill), the Division of Archives and Records Management in the Department of State and the Department of the Treasury shall issue a final report displaying in a clear and concise manner, the information reported pursuant to subsection a. of this section, up to that point in time. The report shall specify, for each county, the time frame covered by the report, the number of documents recorded or filed categorized by document type and shall display the corresponding gross recording fee received by the clerk or register (before distribution or allocation to any dedicated fund) for each document type. The report shall also specify an average state-wide fee for the filing or recording of each type of document based upon the information reported by the clerks and registers pursuant to this section. The report may contain recommendations of the division and the department to the Legislature for the establishment of standard per document filing and recording fees.

d. A copy of the interim report required pursuant to subsection b. of this section and the final report, required pursuant to subsection c. of this section, shall be delivered to each member of the legislature, to each county clerk and register of deeds and mortgages and shall be made available to members of the general public by posting an electronic copy on the official web site for the State of New Jersey.

e. Five years after the date of adoption of P.L. , c. (C. ) (pending before the Legislature as this bill), the Legislature shall consider the establishment of standard per document filing or recording fees for each type of document which is filed or recorded with a county recording officer. Standard per document filing and recording fees shall be set so that the per document fee is no less than the average fee for the filing or recording of the document as set forth in the final report required to be issued pursuant to subsection c. of this section. Any amendments to section 38 and 39 P.L.2003, c.117 (C.22A:4-4.1 and

22A:4-4.2) for the purpose of establishing standard per document filing or recording fees shall not reduce the amount of revenue required to be deposited in the “New Jersey Public Records Preservation Account” or for the local government records management grant program related thereto pursuant to the provisions of section 39 of P.L.2003, c.117 (C.22A:4-4.2) or the county clerks’ or registers’ dedicated trust accounts pursuant to sections 7 and 13 of P.L.2001, c.370 (C.22A:2-17.1 and C.22A:2-51.1)<sup>1</sup>.

Source: New

2. The following are repealed:

R.S.46:15-1.1;

R.S.46:16-1;

Section 1 of P.L.1939, c.170 (C.46:16-1.1);

R.S.46:16-2;

R.S.46:16-3;

R.S.46:16-4;

Sections 1 through 3 of P.L.1941, c.389 (C.46:16-4.1 through 46:16-4.3)

R.S.46:16-5;

P.L.1943, c.147, s.1 (C.46:16-5.1);

R.S.46:16-6 through R.S.46:16-14;

Sections 1 through 5 of P.L.1979, c.406 (C.46:16A-1 through 46:16A-5);

R.S.46:17-1 through R.S.46:17-4;

R.S.46:18-1 through R.S.46:18-4;

R.S.46:18-5.1;

R.S.46:18-12;

R.S.46:19-1 through R.S.46:19-6;

R.S.46:20-1 through R.S.46:20-5;

R.S.46:21-1 through R.S.46:21-4;

R.S.46:22-1 through R.S.46:22-4;

Sections 7 and 8 of P.L.1953, c.358 (C.46:23-9.7 and 46:23-9.8);

Sections 1 through 8 of P.L.1960, c.141 (C.46:23-9.9 through 46:23-9.16);

Section 3 of P.L.1998, c.23 (C.46:23-9.18);

R.S.46:23-10 and R.S.46:23-11.

3. This act shall take effect on the first day of the fourth month next following the date of enactment.