

ASSEMBLY, No. 3508

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED NOVEMBER 22, 2010

Sponsored by:

Assemblyman NELSON T. ALBANO

District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Requires deeds to include description of property based on survey completed within five years when it is presented for recording.

CURRENT VERSION OF TEXT

As introduced.



A3508 ALBANO

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1 AN ACT concerning prerequisites to recording deeds conveying real
2 property and amending R.S.46:15-1.1.

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

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7 1. R.S.46:15-1.1 is amended to read as follows:

8 46:15-1.1. Prerequisites to recordation. a. Any instrument
9 affecting title to or interest in real estate or containing any
10 agreement in relation to real estate in this State shall be recorded on
11 presentation to the recording officer of any county in which all or
12 part of the real estate is located, if it appears that:

13 (1) the instrument is in English or accompanied by a translation
14 into English;

15 (2) the instrument bears a signature;

16 (3) the instrument is acknowledged or proved in the manner
17 provided by this title;

18 (4) the names appear typed, printed or stamped beneath the
19 signatures of any parties to the instrument and the officer before
20 whom it was acknowledged or proved;

21 (5) any required recordation fee is paid; and

22 (6) if the instrument is a deed conveying real property, (a) it
23 fulfills the requirements of P.L.1968, c.49, s.2 (C.46:15-6), (b) it
24 includes the name and signature of its preparer on its first page
25 **[and]**, (c) it includes a reference to the lot and block number of the
26 property conveyed as designated on the tax map of the municipality
27 at the time of the conveyance or the account number of the
28 property, and (d) it includes a description of the property prepared
29 in accordance with a survey completed by a licensed land surveyor
30 within five years of the date of presentment in accordance with the
31 minimum survey detail requirements promulgated by the State
32 Board of Professional Engineers and Land Surveyors. If the
33 property has been subdivided, the reference shall be preceded by the
34 words "part of." If no lot and block or account number has been
35 assigned to the property, the deed shall state that fact.

36 b. An instrument, to be entitled to recordation, whether made
37 by an individual or by a corporation or other entity, is not required
38 to be executed under seal, or to contain words referring to execution
39 under seal.

40 (cf: P.L.1991, c.308, s.2)

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42 2. This act shall take effect immediately.

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.

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STATEMENT

This bill provides that in order for a deed conveying real property to be accepted for recording by a county recording officer, the deed would have to include a description of the property prepared in accordance with a survey completed by a licensed land surveyor within five years of the date of presentment in accordance with the minimum survey detail requirements promulgated by the State Board of Professional Engineers and Land Surveyors.