

P.L. 1997, CHAPTER 391, *approved January 19, 1998*
Senate, No. 1961 (*First Reprint*)

1 AN ACT concerning the recording of certain records and amending
2 R.S.46:19-1.

3
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.46:19-1 is amended to read as follows:

8 46:19-1. The county recording officer of each of the several
9 counties of this State shall record, when delivered to him for that
10 purpose, and duly acknowledged or proved or certified, when
11 acknowledgment, proof or certification is required, in large,
12 well-bound books of good paper or by some other method as
13 authorized pursuant to R.S.47:1-5. [If a method authorized pursuant
14 to R.S.47:1-5 is used, then a copy of the record shall also be kept on
15 microfilm as prescribed in R.S.47:1-5.] ¹If a method authorized
16 pursuant to R.S.47:1-5 is used, then the same shall be done in
17 conformance with rules, standards and procedures promulgated by the
18 Division of Archives and Records Management in the Department of
19 State and approved by the State Records Committee pursuant to its
20 authority under section 6 of P.L.1994, c.140 (C.47:1-12) and the
21 "Destruction of Public Records Law," P.L.1953, c.410 (C.47:3-15 et
22 seq.). The Division of Archives and Records Management and the
23 State Records Committee shall consult with the Office of
24 Telecommunications and Information Systems in the Department of
25 the Treasury in the development of technical standards for record
26 keeping. Notwithstanding the requirements of this section, the State
27 Records Committee may adopt rules and regulations to authorize pilot
28 programs for various individual counties in order to evaluate
29 alternative technologies for the preservation of records.¹ If
30 well-bound books are to be provided for that purpose, they shall be
31 carefully preserved, and shall be called by and backed with 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALG committee amendments adopted December 11, 1997.

1 different names and intended to contain the different types of
2 conveyances and instruments authorized by this Title or any other law
3 to be recorded, which books shall include, among others, the
4 following:

5 a. "Deeds" --for the various instruments set forth in section
6 46:16-1 of this Title, and therein described as conveyances, releases,
7 declarations of trust; letters of attorney for sales, conveyances,
8 assurances, acquittances or releases; leases for life or any term not less
9 than two years, or assignments thereof absolute, agreements for sales;
10 consents to the execution of powers to sell, convey, acquit or release;
11 writings to declare or direct uses or trusts, and also all other
12 instruments heretofore or hereafter directed by law to be
13 acknowledged or proved and recorded, and not by such law expressly
14 directed to be recorded in some other class of books;

15 b. "Ancient deeds" --for all ancient deeds of the description set
16 forth in section 46:16-7 of this Title;

17 c. "Releases" --for all releases or deeds in which the intention to
18 operate as releases from the lien and effect of any mortgage or
19 judgment is plainly manifested, and all deeds, releases or
20 postponements in which the intention to operate as a postponement or
21 waiver of priority of the lien of a judgment or judgments, mechanic's
22 lien or liens or recorded mortgage or mortgages to the lien and
23 operation of a mortgage or mortgages, recorded, or to be recorded,
24 subsequent thereto, is plainly manifested;

25 d. "Mortgages" --for all mortgages, defeasible deeds or other
26 conveyances in the nature of a mortgage and assignments of such
27 leases by way of mortgage or security;

28 e. "Assignment of mortgages" --for all assignments of mortgages,
29 whether absolute or by way of mortgage or security;

30 f. "Discharge of mortgages" --for all discharges or satisfaction
31 pieces of mortgages;

32 g. Such other books, not herein enumerated, but which may be
33 required by the provisions of this Title or by some other law for the
34 recording of such deeds or other instruments as are not expressly
35 directed by law to be recorded in some specifically named book.

36 In like books the county recording officer shall record such deeds
37 or other instruments of or affecting goods and chattels and personal
38 property, to be called and backed as follows:

39 a. "Chattel mortgages" --for all chattel mortgages, and
40 assignments, releases and discharges thereof;

41 b. "Conditional sales contracts" --for the entries required by
42 section 46:32-15 of this Title;

43 c. "Conditional sales contracts affecting goods attached to realty"
44 --for the entries required by section 46:32-14 of this Title;

45 d. "Deeds of trust of personalty" --for all deeds of personal
46 property to literary, benevolent, religious and charitable institutions;

1 e. "Letters or powers of attorney--conditional sale contracts" --for
2 all letters or powers of attorney authorizing the execution and delivery
3 of statements of satisfaction of conditional sale contracts and all
4 revocations of such letters or powers of attorney;

5 f. "Aircraft liens" --for the entries required by N.J.S.2A:44-2.

6 To the various books herein enumerated every person shall have
7 access, at proper seasons, and be entitled to transcripts therefrom on
8 paying the fees allowed by law.

9 (cf: P.L.1994, c.140, s.1)

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11 2. This act shall take effect immediately.

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16 Eliminates requirement that copies of certain records be kept on
17 microfilm.