

SENATE, No. 1961

STATE OF NEW JERSEY

INTRODUCED MARCH 24, 1997

By Senator LYNCH

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

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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.46:19-1 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.] If well-bound books are to be  
16 provided for that purpose, they shall be carefully preserved, and shall  
17 be called by and backed with the different names and intended to  
18 contain the different types of conveyances and instruments authorized  
19 by this Title or any other law to be recorded, which books shall  
20 include, among others, the following:

21 a. "Deeds" --for the various instruments set forth in section  
22 46:16-1 of this Title, and therein described as conveyances, releases,  
23 declarations of trust; letters of attorney for sales, conveyances,  
24 assurances, acquittances or releases; leases for life or any term not less  
25 than two years, or assignments thereof absolute, agreements for sales;  
26 consents to the execution of powers to sell, convey, acquit or release;  
27 writings to declare or direct uses or trusts, and also all other  
28 instruments heretofore or hereafter directed by law to be  
29 acknowledged or proved and recorded, and not by such law expressly  
30 directed to be recorded in some other class of books;

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

33 c. "Releases" --for all releases or deeds in which the intention to  
34 operate as releases from the lien and effect of any mortgage or

**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.**

1 judgment is plainly manifested, and all deeds, releases or  
2 postponements in which the intention to operate as a postponement or  
3 waiver of priority of the lien of a judgment or judgments, mechanic's  
4 lien or liens or recorded mortgage or mortgages to the lien and  
5 operation of a mortgage or mortgages, recorded, or to be recorded,  
6 subsequent thereto, is plainly manifested;

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

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

12 f. "Discharge of mortgages" --for all discharges or satisfaction  
13 pieces of mortgages;

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

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

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

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

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

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

29 e. "Letters or powers of attorney--conditional sale contracts" --for  
30 all letters or powers of attorney authorizing the execution and delivery  
31 of statements of satisfaction of conditional sale contracts and all  
32 revocations of such letters or powers of attorney;

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

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

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

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39 2. This act shall take effect immediately.

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## STATEMENT

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44 R.S.46:19-1 requires county recording officers to maintain copies  
45 of certain records on microfilm if a record was recorded or copied by  
46 means of photography, data processing or image processing, such as

1 a CD-ROM, in accordance with R.S.47:1-5. This bill eliminates the  
2 requirement that copies of these records be maintained on microfilm.

3 Counties which maintain copies of certain records on these other  
4 media have reported that maintaining the additional copy on microfilm  
5 has resulted in wasteful duplication and storage problems. This is  
6 especially inefficient since other forms of electronic media are often  
7 more reliable and durable than microfilm. This bill does not affect  
8 those counties which record certain records in large well-bound books  
9 of good paper.

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14 Eliminates requirement that copies of certain records be kept on  
15 microfilm.