[First Reprint]

SENATE, No. 1961

STATE OF NEW JERSEY

INTRODUCED MARCH 24, 1997

By Senator LYNCH

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

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

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

46:19-1. The county recording officer of each of the several counties of this State shall record, when delivered to him for that purpose, and duly acknowledged or proved or certified, when acknowledgment, proof or certification is required, in large, well-bound books of good paper or by some other method as authorized pursuant to R.S.47:1-5. **[**If a method authorized pursuant to R.S.47:1-5 is used, then a copy of the record shall also be kept on microfilm as prescribed in R.S.47:1-5.**]** [1]<u>If a method authorized pursuant to R.S.47:1-5 is used, then the same shall be done 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," P.L.1953, c.410 (C.47:3-15 et seq.). 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 technical standards for record keeping. Notwithstanding the requirements of 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.</u>[1] If well-bound books are to be provided for that purpose, they shall be 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 <u>thus</u> is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1] Assembly ALG committee amendments adopted December 11, 1997.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. This act shall take effect immediately.

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