

**REPORT AND RECOMMENDATIONS
RELATING TO FEE DISCREPANCIES**

**NEW JERSEY LAW REVISION COMMISSION
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INTRODUCTION

Discrepancies between fees mandated by N.J.S. 22A:2-29 and those in N.J.S. 56:1-3, 56:1-7 and 56:3-16 have been brought to the Commission's attention. The Commission has verified the discrepancies and resultant problems: 1) practitioners do not know which fees to pay and 2) fee-collecting officials and practitioners waste resources responding to incorrectly paid fees and repaying fees, respectively.

Three older statutes conflict with N.J.S. 22A:2-29. The first is N.J.S. 56:1-3 which requires two \$5.00 fees from a person filing the certificates of name with a county clerk; the county clerk retains \$5.00 and sends \$5.00 to the Secretary of State. The current practice, as explained by the Bergen County Clerk, is that the higher, newer fees in N.J.S. 22A:2-29 are collected. When the fee is paid, the clerk forwards one-half of the fee to the Secretary of State. The Office of the Secretary of State confirmed the correctness of this procedure.

The second conflicting statute is N.J.S. 56:1-7 which requires two \$1.00 fees from a person filing a certificate of dissolution of trade name with a county clerk. The county clerk retains \$1.00 and sends \$1.00 to the Secretary of State. Again, the current practice is that the higher, newer fee is collected and half of the fee is retained by the county clerk and half forwarded to the Secretary of State.

The third conflicting statute is N.J.S. 56:3-16 which requires that a person filing names or marks used on bottles and other containers pay a fee of \$20.00 to the Secretary of State and a fee of \$5.00 to the county clerk. This total fee amount of \$25.00 greatly exceeds the newer \$4.50 fee of N.J.S. 22A:2-29. The Office of the Secretary of State said that the correct fees are the higher ones of the older statute, N.J.S. 56:3-16. That office recommends raising the \$4.50 fee in N.J.S. 22A:2-29 to the total of \$25.00 in N.J.S. 56:3-16.

The Commission proposal removes conflicting fees by deleting the fee amounts in N.J.S. 56:1-3 and N.J.S. 56:1-7, as well as the reference in N.J.S. 22A:2-29 to fees collected under N.J.S. 56:3-16.

The proposed revisions follow.

22A:2-29. County clerk fees

Upon the filing, indexing, entering or recording of the following documents or papers in the office of the county clerk or deputy clerk of the Superior Court, such parties, filing or having the same recorded or indexed in the county clerk's office or with the deputy clerk of the Superior Court in the various counties in this State, shall pay the following fees in lieu of the fees heretofore provided for the filing, recording or entering of such documents or papers:

In general--

Issuing county clerk's certificate, any instrument.....	\$3.00
Comparing and making copies, per sheet	\$3.00
Copies of all papers, typing and comparing of photostat, per page	\$1.50
Marking as a true copy, any instrument.....	\$1.50
Exemplification, any instrument.....	\$7.50
Plus \$1.00 per page of instrument.	
Recording or filing all instruments not herein stated	\$7.50

Bonds, bail, recognizances--

Recording all official bonds with acknowledgment and proof of the execution thereof	\$9.00
Filing and entering recognizance or civil bail.....	\$9.00
Filing discharge, attachment bond	\$9.00
Filing satisfaction or order discharging recognizance or civil bail.....	\$9.00
Filing and recording filiation bond	\$9.00
Filing satisfaction of or order discharging filiation bond.....	\$9.00
Recording or discharging sheriff's bond.....	\$9.00
Nonbusiness corporation, recording: Certificates of incorporation of corporations and associations not-for-profit, and of societies, clubs, credit unions, churches, religious societies and congregations.....	\$15.00
Amendments to certificates of incorporation, all corporations, recording	\$15.00
All other corporate certificates, recording	\$9.00
Bank merger agreements, recording: Three sheets or less	\$15.00
Each sheet over three.....	\$3.00
Certificates, each.....	\$3.00
Trade names, firms, partnerships: Certificate of name, filing (see R.S. 56:1-1 et seq.).....	\$30.00
Certificate of dissolution of trade name (see [R.S. 56:1A-6] <u>R.S. 56:1-6</u> et seq.)	\$9.00
[Bottles, et cetera, description (see R.S. 56:3-14 et seq.).....	\$4.50]

Building and loan or savings and loan associations:	
Change of name	\$15.00
Dissolution	\$9.00
Certificates for limited-dividend housing associations, recording	\$15.00
Certificates for urban renewal associations, recording	\$15.00

Judgments, et cetera--

Recording judgments	\$9.00
Filing, entering and recording judgment on bond and warrant by attorney.....	\$37.50
Certificate for docketing Superior Court transcript	\$9.00
Recording assignment of judgment.....	\$15.00
Issuing transcript of judgment	\$7.50
Filing or entering on the record of discharge, cancellation, release or satisfaction of a judgment by satisfaction piece, execution returned satisfied or otherwise	\$7.50
For recording and indexing postponement of the lien of judgment	\$15.00
Execution on judgment:	
Issuing warrant on court order	\$9.00
Drawing execution.....	\$9.00
Recording execution	\$9.00
Warrant for satisfaction.....	\$6.00
Writ of attachment	\$9.00
Writ of possession.....	\$9.00
Writ of sequestration.....	\$9.00
Discharge of writ	\$9.00
Mandate.....	\$15.00

Liens--

Filing, indexing and recording mechanic's lien claim.....	\$9.00
Recording, filing and noting on the record the discharge, release or satisfaction of a mechanic's lien claim	\$9.00
Extension of lien claim	\$3.00
Filing statement in mechanic's lien proceeding.....	\$9.00
Filing, recording and indexing mechanic's notice of intention.....	\$4.50
Filing a certificate discharging a mechanic's notice of intention and noting the discharge on the record thereof	\$4.50
Filing certificate from court of commencement of suit.....	\$4.50
Filing a court order amending a mechanic's notice of intention.....	\$9.00
Filing a court order to discharge notice	

of intention and noting the discharge on the record thereof	\$9.00
Filing, recording and indexing stop notice	\$4.50
Filing a certificate discharging a stop notice and noting the discharge on the record thereof	\$4.50
Filing a court order discharging a stop notice and noting the discharge on the record thereof	\$9.00
Filing building contract	\$15.00
Filing discharge of building contract	\$9.00
Filing building specifications.....	\$7.50
Filing building plans.....	\$7.50
Filing each notice of physician's lien	\$4.50
Entering upon the record the discharge of a physician's lien.....	\$4.50
Filing each hospital lien claim	\$4.50
Discharge of hospital lien	\$4.50
Filing satisfaction or order for discharge of attachment.....	\$9.00
Recording collateral inheritance waiver or receipt	\$9.00
Recording inheritance tax waiver.....	\$9.00
Subordination, release, partial release or postponement of a lien to lien of mortgage	\$7.50

Commissions and oaths--

Administering oaths to notaries public and commissioners of deeds.....	\$7.50
For issuing certificate of authority of notary to take proof, acknowledgment of affidavit.....	\$3.00
For issuing each certificate of the commission and qualification of notary public for filing with other county clerks	\$6.00
For filing each certificate of the commission and qualification of notary public, in office of county clerk of county other than where such notary has qualified	\$6.00

Miscellaneous--

Filing and recording proceedings for laying out, vacating or dedicating roads.....	\$15.00
Recording firemen's certificates	No charge
Registering physician	\$15.00
Issuing alcoholic beverage identification card.....	\$6.00

56:1-3. Index of certificates; filing fees; copies as evidence

The several county clerks and the Secretary of State shall each keep alphabetical indexes of all persons filing the statements or certificates provided for by sections 56:1-1 and 56:1-2 of this Title[, and for the indexing and filing of such statements or certificates they shall each receive a fee of \$5.00 from the person who presents the same for filing]. Every person who presents for filing any such statement or certificate in the office of the county clerk shall present therewith a duplicate of such statement or certificate for filing with and indexing by the Secretary of State. The county clerk shall, at the time of the filing such statement or certificate with him, collect from the person presenting the same,[in addition to the fee payable to him, the fee payable to the Secretary of State] the fee provided by law for filing and indexing such duplicate statement or certificate, and shall forward to the Secretary of State such duplicate statement or certificate together with [the fee collected for the Secretary of State as aforesaid.] one half of the fee collected.

A copy of any such statement or certificate, duly certified by the county clerk in whose office the same shall have been filed or by the Secretary of State, shall be presumptive evidence in all courts of law in this State of the facts therein contained.

56:1-7. Place and manner of recording dissolution of partnership; fees

The record of dissolution provided for by section 56:1-6 of this Title shall be made by the county clerk and by the Secretary of State by writing the word "dissolved," together with the date of the certificate of dissolution, in the margin of the book or books used for filing trade-name certificates, at or near the place where such trade-name certificate shall have been indexed. For the filing of such certificates and recording the dissolution of the trade-name the county clerk and the Secretary of State shall each receive [a fee of \$1.00] one half of the fee provided by law. The county clerk, at the time of filing such certificate, shall collect from the person presenting the same, in addition to the fee payable to him, the fee payable to the Secretary of State for filing and recording the same, and shall immediately forward to the Secretary of State the duplicate of such certificate together with such fee collected for the Secretary of State as aforesaid.