

# **A HOMEOWNER'S GUIDE TO GOOD DEEDS**



**COMPILED BY  
MARY H. MELFI  
HUNTERDON COUNTY CLERK**

05/2007

Dear Homeowner:

I realize you have many questions concerning your property and what you can do to protect your ownership.

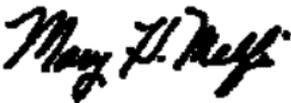
For this reason I, along with my staff, have compiled this little booklet to help you better understand the operation of the Search Room and the many ways it serves you and how you can use it.

The questions included here are the ones we have been asked the most by property owners over the years.

This booklet is being issued as a public service to the homeowners of Hunterdon County in the interest of consumer information.

Please be advised: We may not give legal advice or opinions. We can only comment on the rules concerning our office and the recording of various papers. Each person's legal situation could differ according to your own circumstances. Therefore, it is always good to consult an attorney for specific advice.

Along with my staff, we are glad to be of service.

A handwritten signature in black ink that reads "Mary H. Melfi". The signature is written in a cursive, flowing style.

Mary H. Melfi



## **A BRIEF HISTORY OF THE COUNTY CLERK'S OFFICE**

The County Clerk is one of three county-wide elected Constitutional Officers in the State of New Jersey. The others are Surrogate and Sheriff. The County Clerk is responsible for the administration of a broad range of services including the filing and recording of all documents affecting real estate ownership/transfer, the processing of US Passport Applications, assisting individuals who wish to become Notary Public, the issuance of County Identification Cards, the filing of Business Trade Names and the supervision of elections.

A review of the history of recording real estate documents offers a unique perspective on the evolution of the County Clerk. Historically to undertake the transfer of ownership of real estate, the only persons who could read and write were the clergy who were held in great regard by the kings and their courts. The clergy appointed other learned people who could read and write but were not necessarily “religious”, and under “vows of the church”. They were called “clericus”. So important were “clericus” or “clerks” thought to be, that they enjoyed the protection of the church and doctrine of “benefit of Clergy” which prohibited the courts from gaining jurisdiction over these persons and gave them total privilege of exemption from punishment for crimes. This was not abolished in England until 1827 but was so abhorred by the colonists that one of the first acts of the United States Congress on April 30, 1790 was to abolish the benefit of clergy where it existed.

For 500 years, through the 16<sup>th</sup> century, the transfer of property occurred by documents written and held by the “clerks”. And because these “clerks” could read and write, they became “clerks to the courts” of the various lords in England maintaining records of the Court proceedings. With the colonization of the United States, that procedure was adopted within the legal jurisdictions of the various lords and the attendant “clerks”.

Because of the distance between the “motherland” and the “colonies” inhabitants formed various agreements for the recording and transfer of property. The first was in 1676 entitled “the Concessions and Agreements of Proprietors, Freeholders and Inhabitants of the Providence of West New Jersey” which made the provisions for the recording of deeds and other conveyances of land. Conveyances which were recorded were of full force and effect; those that were not recorded within six months were of no force and effect. The statute was so ignored that an Act was passed in 1695 imposing a penalty of “twenty shillings on every person who refused or neglected to bring his deed or conveyance to the proper recording clerk within six months.” A similar agreement was adopted into under the “Fundamental Constitutions of East New Jersey”, dated 1683, which required the recordation in a public “registry” of all deeds; otherwise they were “void at law”.

Both the East and West Jersey proprietors ceded and surrendered their respective rights back to the British crown in 1702 raising concern that no method existed for the transfer of property. Various colonial governments attempted to adopt legislation, but none ever reached the approval of the king.

After the Revolutionary War, the State of New Jersey returned to basic concept that recording was necessary to protect the purchase of property. Under the “Conveyancing Act of 1799”, which is the precursor of the existing New Jersey statutes for recording “every conveyance of property must be “recorded” in a “register” or it shall be “void and of no effect...”.

These laws required and directed that these recordation's and registrations be done by the various “clerks of the inferior courts of common pleas and quarter sessions” who were “...appointed by the council and assembly...and commissioned by the governor...” (*NJ Constitution of 1776, Article XII*).

The maintenance of those records were perceived as a supplemental “judicial” function under the Constitution since the clerk of the court of the county served first as clerk to the court and then as clerk to the citizens.

Fundamental problems with the Constitution of 1776 was that the three branches of government, executive (governor), legislative (council) and judicial, were not three equal branches in power and standing. Ultimately under that Constitution all decisions of the judiciary, and all actions of employees of the judiciary (clerks) were subject to review by the Governor and Council.

Thus, court orders could be overturned, ignored, or enforcement of the orders refused by “politicians”. Through long legal wrangling this situation was resolved in the New Jersey Constitution of 1844. There all three branches, executive, legislative and judicial, were made equal; the right of final appeal from the New Jersey “Supreme Court” went to the U.S. Supreme Court and not to the Governor and Privy Council. But most importantly, the clerks were removed from the control of the executive and judiciary, had their powers conferred upon them by the voters of the State of New Jersey, were made constitutional officers, and served for fixed terms. The Constitution of 1844 provided, in paragraph 5, that:

“Clerks and surrogates of counties shall be elected by the people of their respective counties, at the annual elections for members of the general assembly. They shall hold their offices for five years.

As of the 1844, clerks were recognized not as an employee or officer of the courts, but as distinct constitutional officers. An examination of the statutes does not show any statutory change in their role, functions, duties and responsibilities. Their role and functions were conferred by paragraph 11 of the Constitution of 1844 which provided that:

“Clerks of Counties shall be clerks for the inferior courts of common pleas and quarter sessions of the several counties, and perform the duties, and may be subject to the regulations now required by law, unless otherwise ordained by the legislature.”

The clerks carried forward all the powers that they had previously as “clerks” for the filing and recording of documents. But the powers of recording, etc were recognized as constitutional conferment (by the people) and not mere law (by the legislation).

By 1848, the clerk is recognized as a constitutional officer, is responsible through prior statutes for the recordation and filing of documents affecting real property, and maintaining their prior “judicial” and civil functions in their constitutional office. The position of clerk was transferred from the section of the Constitution dealing with judiciary in 1796 to the section of the Constitution dealing with “civil officers” in the Constitution of 1844.

Other than very minor changes in the language; the role, duty, responsibilities and authority of the county clerks continued under the Constitution of 1947 under Article XII, section 2, par. 2, which provides:

“County clerks...shall be elected by the people of their respective counties at general elections. The term of office of county clerk...shall be five years...Whenever a vacancy shall occur any such office it shall be filled in the manner provided by law.”

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In one of the few decisions on the recording of deeds, *Freeholders of Middlesex County v. Conger*, 67N.J.L. 444, 447 (N.J. Sup. Ct. 1902), the court found that the administration of the existing property records and recording of deeds was constitutionally conferred by the people on the clerks and beyond the control of the freeholders.

The long historical role of the Clerks, as constitutional officers, performing what is now a statutory function in recording of documents of titles, establishes an area of expertise and unique function.

Since you “are the people” and we work “for the people”, we are here to serve you. Please feel free to contact our office at (908)788-1221 with any questions or comments or visit our website at [www.co.hunterdon.nj.us/countyclerk.htm](http://www.co.hunterdon.nj.us/countyclerk.htm).

Thank you.  
County Clerk Mary H. Melfi



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## **FREQUENTLY REQUESTED NUMBERS**

Hunterdon County Board of Chosen Freeholders

908-788-1102

E-mail: [freeholders@co.hunterdon.nj.us](mailto:freeholders@co.hunterdon.nj.us)

Hunterdon County Clerks Office

908-788-1221

E-mail: [countyclerk@co.hunterdon.nj.us](mailto:countyclerk@co.hunterdon.nj.us)

Hunterdon County Board of Health

908-806-4570

E-mail: [health@co.hunterdon.nj.us](mailto:health@co.hunterdon.nj.us)

Hunterdon Cultural & Heritage Commission

908-788-1256

E-mail: [cultural@co.hunterdon.nj.us](mailto:cultural@co.hunterdon.nj.us)

Hunterdon County Engineers

908-788-1227

E-mail: [engineering@co.hunterdon.nj.us](mailto:engineering@co.hunterdon.nj.us)

Hunterdon County Planning Board

908-788-1490

E-mail: [planning@co.hunterdon.nj.us](mailto:planning@co.hunterdon.nj.us)

Hunterdon County Surrogate

908-788-1156

E-mail: [surrogate@co.hunterdon.nj.us](mailto:surrogate@co.hunterdon.nj.us)

## **GENERAL**

### **WHAT ARE THE HOURS OF THE RECORDER OF DEEDS OFFICE?**

The office is open to the public on weekdays from 8:30 AM to 4:30 PM; however no papers will be accepted for recording after 4:00 PM. We have no Saturday or evening hours for recording records.

### **WHERE CAN I OBTAIN A COPY OF MY BIRTH CERTIFICATE?**

You may obtain your birth certificate from the municipality you were born in. The Bureau of Vital Statistics for the State in which you were born, generally located in the Capital of that State (in Trenton it is located on South Stockton Street or online at [www.vitalchek.com](http://www.vitalchek.com)).

### **HOW FAR BACK DO YOUR RECORDS GO?**

Deed records begin with the year 1785, Mortgage records begin with the year 1766.

### **WHAT ARE THE RECORDING FEES?**

Different fees apply to various document types. You may contact the Clerks Office to obtain the Fee Schedule or you may look up the Fee Schedule on the County web site.  
[www.co.hunterdon.nj.us/countyclerk.htm](http://www.co.hunterdon.nj.us/countyclerk.htm)

### **HOW MANY CHECKS DO I NEED WHEN RECORDING?**

Usually one except for deeds. When deeds are being recorded, more than one check may be needed, one for the recording fee, Realty Transfer Fee (any realty transfer fee check must be attorney trust account check, certified check, bank check), and if it applies a check made payable to the NJ State Div of Taxation that pertains to the GIT form's (Gross income Tax). **Personal checks are not accepted for over \$100.00.**

### **MAY I DO RECORDING BY MAIL?**

Yes, but you should make sure the documents meet all legal requirements and that you have proper checks enclosed, made payable for correct amounts.

### **CAN I GET INFORMATION OVER THE PHONE?**

General information can be obtained by phone but for more detailed information you should come into the office or retain a Title Searcher or Attorney. Office employees are not permitted to make searches.

### **HOW LONG DOES IT TAKE TO GET PAPERS BACK?**

It takes about four weeks. The papers are sent back to the person who records them, in most cases a Title Company or Attorney. If you have not received your papers after two months, contact the person or firm who recorded them for you. We must have a self addressed envelope if they are to be returned by mail.

### **WHY DOES IT TAKE FOUR WEEKS?**

We are no longer preparing bound books, but all official records are imaged and microfilmed. For your protection and accurate permanent record, all documents are filmed and the original documents are retained until the indexes and records are verified.

### **WHY ARE MICROFILM COPIES MADE?**

A duplicate microfilm copy is stored for use by our office. The microfilm copy is made for security reasons. The original microfilm is housed in the County Records Retention Facility, so that all records can be duplicated in the event of a disaster. This is for your protection.

### **CAN ANYONE LOOK AT MY DEED AND MORTGAGE?**

Yes. All papers recorded in our office are public information with the exception of Military Discharge Papers which are impounded. This means anyone can come and look at your Deed and Mortgage.

### **ARE RECORDS AVAILABLE ONLINE?**

No. We are currently in the process of redacting personal information on documents for your protection. It is planned to make records available online in the future.

### **DEEDS**

#### **CAN I PREPARE MY OWN DEED?**

Yes. But it is usually a good idea to have someone with a certain expertise in the field such as a Attorney or Title Company prepare it for you to make sure it is correct. Employees of the Recorder of Deeds may not do this for you.

#### **HOW DO I CHANGE, ADD OR DELETE A NAME ON A DEED?**

This can only be done by recording a new deed showing the change. Many people think they can simply come into the office and change the present deed on record. However, once a paper is recorded, it cannot be changed. The new deed can be prepared by your Attorney or a Title Insurance Co.

#### **HOW DO I GET A COPY OF MY DEED OR MORTGAGE?**

The staff will assist you whether you come into the office or choose to send in a written request for copies. In either case, you must know the name or names of the owner of the property, the approximate date of transfer and the address. Of course if you happen to have the recording information, please supply us with the book and page and date of recording. A written request must be accompanied by check payable to the Hunterdon County Clerk. The cost to obtain a copy in person is \$.25 per page, if you would like a copy mailed the cost is \$1.00 per page. If a certified copy is needed the fee would be \$2.00 per page with an additional fee of \$5.00 for the certification. Enclose a self addressed, stamped envelope.

### **HOW DO I REPLACE A LOST DEED?**

By obtaining a copy from the Clerks Office as described above. Staff will be able to assist you in obtaining a copy, the information that is needed to assist you is as follows; owners name, date of transfer and address, or recording information.

### **IS IT NECESSARY TO DELETE A DECEASED SPOUSE'S NAME?**

Generally, no, if the property was held jointly by husband and wife as tenants by entireties. If and when the survivor sells or mortgages the property, he or she simply explains in the new deed or mortgage that the other spouse is deceased. There could be a special instance when because of a particular legal situation, the name should be deleted. You should consult your Attorney.

### **IF A WOMAN MARRIES, MUST SHE CHANGE HER NAME ON HER DEED?**

It is not legally required, but again because of a particular situation it might be desirable. Consult your Attorney.

### **MUST I RECORD A DEED?**

A deed is binding even if it is not recorded, but because of numerous reasons it is in your best interest to record it. One good reason; the former owner can continue getting mortgages, judgments and suits on your property since records in the Clerks Office would show he or she still owns it.

### **IF I BUILD ON MY LOT, DO I GET A NEW DEED FOR THE HOUSE?**

No. The original deed usually covers any buildings erected on the lot at a later date. Check your deed for exceptions.

### **IF I FIND A MISTAKE IN MY DEED, HOW DO I CORRECT IT?**

Usually, the same way you change a name, by recording a new deed. In this case, it is known as a deed of correction. You should contact your Attorney or Title Insurance Company.

## **MORTGAGES**

### **HOW IS A MORTGAGE SATSIFIED?**

The original recorded Mortgage is presented to the Clerk to record endorsed for cancellation , which is signed by the lender (mortgagee). If the original recorded Mortgage is not available a Discharge of Mortgage is prepared and recorded.

### **WHO SATISFIES MY MORTGAGE?**

This action must be initiated by the mortgagee (lender). Upon making the final payment, contact your lender to see how it will be handled.

### **WHAT DO I DO IF SATISFACTION PAPERS ARE SENT TO ME?**

Bring or mail the Mortgage endorsed for Cancellation or Mortgage Satisfaction Piece (which ever is used) to our office with the proper fee.

### **MUST A MORTGAGE BE SATISFIED**

No, but it is to your benefit. It will establish a clear title to your property.

### **ONCE THE MORTGAGE IS SATISFIED WILL I RECEIVE MY DEED?**

No, The original Deed would have been returned to you by your Attorney after it had been recorded in our office.

### **HOW CAN I FIND OUT IF THERE ARE ANY OUTSTANDING LIENS ON MY PROPERTY?**

You must come into the County Clerk's Office in person and perform a search of your property, or; hire a Title Company or Title Searcher.

## **TAXES**

### **WHAT IS THE REAL ESTATE TRANSFER TAX?**

Real estate transfer tax rates may be obtained by contacting our office or you may access the rates using the following web site.

[www.co.hunterdon.nj.us/countyclerk](http://www.co.hunterdon.nj.us/countyclerk)

[www.state.nj.us/treasury/taxation/lpt/localtax.htm](http://www.state.nj.us/treasury/taxation/lpt/localtax.htm)

### **WHO PAYS THE TRANSFER TAX?**

The state and local governments do not care who pays it as long as it is paid. The Recorder of Deeds Office will not accept a deed unless the tax is paid at the time of recording. (Checks for the Realty Transfer Fees are to be Attorney Trust Check, Bank Check, or Certified Check).

### **ARE ANY TRANSACTIONS EXEMPT?**

Some are. An Affidavit of Consideration must be attached to the Deed when presented for recording in our office. Affidavits are available on New Jersey Department of Treasury web site, [www.state.nj.us/treasury/taxation/lpt/localtax.htm](http://www.state.nj.us/treasury/taxation/lpt/localtax.htm) It is best to consult your attorney or contact our office concerning them.

## **EASEMENTS/SURVEY/PLOTTING DEEDS**

### **HOW DO I CHECK EASMENTS ON MY PROPERTY?**

By coming into the Recorder's Office and checking the records. We will be glad to help you, or contact your Attorney or Title Company.

### **HOW DO I CHECK DEED RESTRICTIONS ON MY PROPERTY?**

Again, by coming into the office. This could be tricky since deed restrictions do not have to be spelled out in each new deed. A restriction could be in a deed ten owners back and still be in effect. When a title company makes a search prior to granting title insurance, these restrictions are reported. Again check with them.

### **WHAT IS THE ELEVATION OF MY PROPERTY?**

This information is not included in a deed but can be found by contacting the Hunterdon County Division of Geographic Information department @ 908-788-1123.

### **HOW CAN I DETERMINE THE LATITUDE AND LONGITUDE OF MY PROPERTY?**

This information can be obtained thru the Hunterdon County Division of Geographic Information department @ 908-788-1123

### **HOW CAN I DETERMINE MY PROPERTY LINE?**

Your Deed will give you the legal description but a surveyor is needed to use this information to actually locate your property lines, and place stakes or other markers.

### **DO YOU HAVE PLANS SHOWING LOCATIONS OF MY BUILDING?**

No. The location of buildings might be on plans kept in your township building or borough hall for zoning or permit purposes.

**HOW DO I GET A COPY OF MY SURVEY?**

You must contact the original surveyor, which may be listed on your deed. If not, you will need to have a new survey done.

**DO YOU RECORD DEEDS FOR CEMETERY LOTS?**

Yes, a deed which conveys ownership of a cemetery plot. These are usually on record at the cemetery and occasionally recorded with the County Clerk

**ARE THERE CERTAIN RULES FOR PLANS?**

Subdivision plans have 6 standard sizes that are accepted for filing: 8 1/2" X 13"; 24" X 36"; 30" X 42"; 11" X 17"; 18" X 24"; 15" X 21". Thickness of Mylar copies are at least 4 mls. thick. 2 original copies must be represented for filing. Name of map, municipality and county, date of survey. Map must be endorsed with a certificate signed and sealed with municipal seal by clerk or secretary of planning board stating that the map complies with the provisions of this law and designating the day on or before which said map is required to be filed as well as a licensed land surveyor, municipal engineer, and may also require the signature of the municipal clerk if a bond is given guaranteeing the future setting of a monuments shown on map.

## **MILITARY DISCHARGE:**

### **CAN I RECORD MY MILITARY DISCHARGE?**

Yes. It is a good idea to record it in the event of loss. We provide you with a certified copy in the event you need it for various veteran benefits. There is no charge for recording the record, the cost for the certified copy is \$6.00. No one but the veteran, his family or a veteran organization official is permitted to look at these records.

## **NOTARY:**

### **HOW DO I BECOME A NOTARY PUBLIC?**

The application may be obtained thru our office or the form may be obtained on the NJ State web site, [www.state.nj.us/treasury/revenue/dcr/geninfo/notarymanual.htm](http://www.state.nj.us/treasury/revenue/dcr/geninfo/notarymanual.htm)

Once the application has been completed, endorsement of a member of the Legislature must be obtained. Send the completed/endorsed form with a check for the filing fee of \$25.00 to: Notary Public Section, PO Box 452, Trenton, N.J. 08646. Check is payable to: Treasurer, State of New Jersey. Once you receive the Commission Certificate and Oath Qualification Certificate bring the Certificate to the County Clerk within three (3) months of the date listed on the commission certificate. County Clerks will administer an oath to the applicant, for a fee of \$15.00.

## **HISTORICAL INFORMATION**

### **HOW CAN I DETERMINE THE OWNER OF A PROPERTY?**

You may use the microfiche provided to our office by the County Tax Board. Information can be found by the name of owner, address, block and lot. Each municipality Tax Assessor Office and the County Tax Board will also be able to assist you in obtaining information.

Municipal tax maps are also available in our office.

### **HOW CAN I TRACE OWNERSHIP OF MY PROPERTY?**

Following the legal description in your deed in a section known as Recital or "Being Clause." It gives the name of the persons who sold the property to the person who sold it to you and the Deed Book and Page number where this transaction can be found. You go back to that deed and find the same information of the preceding transaction involving your property and so forth, hopefully back to 1785.

### **HOW CAN I TELL THE AGE OF MY HOUSE?**

It is difficult to determine this by checking deeds since a deed is for the land and not the buildings. A deed may simply state "and the buildings thereon." It does not even have to state this. The Hunterdon County Cultural & Heritage Commission has a pamphlet called House Plans that can guide you in your research.

Cultural & Heritage Commission

908-788-1256

### **HOW DO I DETERMINE IF RELATIVES LIVED HERE YEARS AGO?**

By checking the index books to see if their name appears in either the deed or mortgage records back over the years.

## **CLERKS OFFICE:**

### **WHAT DOCUMENTS DO YOU HANDLE?**

Documents affecting ownership and transfer of property within Hunterdon County are received daily. Various Liens are filed in the office as well, some of them include Federal Liens, State Tax Liens, Construction Liens, UCC's and Lis Pendens.

### **WHAT INFORMATION DO I NEED TO CHECK A DEED OR MORTGAGE?**

Information is indexed by Grantor (Seller) and Mortgagor (Borrower) and the Grantee (Buyer) and Mortgagee (Lender). Prior to 1997 these books are grouped by years, 1997 to current information is located in the electronic Land Records Management System. To locate a deed or mortgage we must know the full name of one of the persons involved and also the approximate year of the transaction. Current transactions may be accessed by Municipality, Block and Lot as well as the name of the persons involved in the transaction.

### **WHAT ARE THE YEARLY GROUPINGS OF YOUR INDEX?**

The first set goes from 1785 to 1955, the next is 1956 to 1975, then 1976 to 1986, then 1987 to 1996, the next is 1997 to current.

### **HOW DO I USE THE INDEX BOOKS?**

Except in the newest index, names are not indexed in pure alphabetical order like a phone book. Two other index systems are in use, the Campbell System and the Russell Index System. Our staff will be glad to show you how to use the index books. The newest index's are also on computer.

### **WHAT OTHER BUSINESS CAN BE DONE AT THE CLERK'S OFFICE?**

The Clerk's Office processes passports, County ID's, small business registration, has general supervision over all elections and the County Clerk performs weddings and civil unions. For more information please visit our website at; [www.co.hunterdon.nj.us/countyclerk.htm](http://www.co.hunterdon.nj.us/countyclerk.htm)



## **Glossary of Terms**

abstract of title— a historical summary of all the recorded instruments and proceedings that affect title of property

account—a financial statement showing credits and debits of the estate of a minor or the deceased

acknowledgment—a declaration made in legal form or the paper certifying to such a declaration that the act and deed is genuine and voluntary. Before 1916, the acknowledgment of a woman was taken separate from her husband declaring she had signed without fear or threat from her husband.

administration—the managing or settling of an intestate estate

administrator—one appointed legally to manage or settle an intestate estate; fern., administratrix

administrator's deed— a deed conveying the property of a person who died without a will (Intestate).

adjacent—in a deed it does not necessary mean adjoining or contiguous, merely being near or close

adjoining—in a deed means touching and not intervening

affidavit—a written statement sworn to or affirmed before an officer authorized to administer an oath

affidavit-of consideration-required affidavit to file with deeds when full or partial exception from Realty Transfer Tax is declared

agreement-a record of the consent of two or more persons respecting the transmission of some property, rights or benefit

appraisal-the act or process of estimating the value of a property

appurtenance-that which belongs to an estate or property, as trees and shrubbery

assignee-one to whom property is made over, either in trust or for his own use

assignment-transfer of title or interest; the deed of writing effecting such transfer; a thing transferred

assignor-one who transfers an interest

assumption agreement-a formal agreement by a buyer to assume terms of an existing mortgage. The seller remains liable to the lender unless the lender also agrees to release him.

attorney in fact- one who is authorized to act for another under Power of Attorney which may be general or limited in scope.

bank merger or name change-public notification regarding bank mergers or name changes.  
Necessary when canceling or discharging mortgage

bankruptcy-the financial inability to pay one's debts. Court action is necessary to erase or work out debts.

beneficiary-the person who receives the benefits resulting from certain acts such as a trust.

bequeath-to give or leave personal property by will; transmit by inheritance

bounds-the adjoining lands or natural features; the external or limiting line of any space

bond—security given for another; an obligation in writing and under seal; particularly one by which a person binds himself and his heirs to pay a certain sum to another or another's heirs

cancellation of mortgage—a method whereby a mortgagee acknowledges that a mortgage commitment has been paid in full and the County Clerk is authorized to cancel of record. Cancellation endorsement is submitted on the original recorded document.

census—an official count of persons, property, or things with details of sex, age, value, etc. taken in the United States every ten years. Those for 1830-1880, 1900 & 1910 are available for Hunterdon County. A census was taken by the State of New Jersey every 10 years beginning in 1855 until 1915.

chain—a measure of 100 links or 66 feet or 4 rods; 80 chains are equal to one mile

chain-of-title—the succession of conveyances from some accepted starting point whereby the present holder of the property derives his title

chattels—personal property

chattel mortgage—a conveyance of rights in personal property as security for an obligation insuring to the creditor the payment of the debt out of the property and to the debtor the remainder after the debt is paid

clear title—title to property, which is free and clear of any encumbrances or disputed interests.

complaint in rem—the filing of a complaint in the courts against a given property usually initiated by a municipality for non-payment of taxes.

common law—the unwritten body of law which originated from practices and customs in England and which still prevails unless superseded by other laws.

condemnation—the legal process of taking private property for public use.

conveyance—the act by which the title to property, especially real estate is transferred; the instrument in writing by which the title to property is conveyed from one person to another.

consideration—anything of value given to induce another to enter into a contract

contract— an agreement between two or more parties to do or not to do certain things for a consideration.

conveyance—the transfer of title of real estate from one party to another (Deed).

curtilage—the fenced-in ground surrounding a dwelling

debt—an obligation to pay

deed—a written document properly signed and delivered, that conveys land from one owner to another.

deed of indenture—a deed between two or more parties which takes its name from the ancient custom of making two copies of the deed on one piece of indented paper and then tearing them apart at the indenture, each party signing the instrument and taking a copy

deed in lieu of foreclosure—the act of giving property back to a lender without foreclosure

deed poll—executed by the grantor only; it binds only the grantor and is written in the first person; i.e., “Know all men by these present that I . . .” It is not a deed between two parties.

defendant—one who is sued or accused

deponent—a witness, an affiant

descendant—one who has issued from an individual ancestor; offspring in any degree of removal

description—the land which is conveyed

devise—the disposition of land by will. The term is used for Land only.

devisee—a person to whom real property is given by will.

dower—under common law, the right of a wife or child to a part of a husband's or father's property.

easement—the rights privilege or interest that one party has in the property of another. This is usually for specific purpose such as sewer lines.

entirety—a form of co-tenancy in which owners are seized as the whole.

escrow—an agreement between two or more parties which designates a third party to act as agent for both parties for safe keeping documents, carrying out instructions, delivering papers and documents or disbursing funds.

estate—a person's possessions. The degree, nature and extent of interest that a person has in real property.

finance statement—a document which encumbers personal property or fixtures with a debt.

foreclosure—enforcement of a lien (usually a mortgage) by sale of property which was given as security.

given name—the Christian name as distinguished from the surname; for example, Anne, James or George

grantee—the person to whom property is transferred by law; the party of the second part; the buyer

grantor—the person who transfers property by law; the party of the first part; the seller

guardian-one appointed by the court to administer the personal affairs or property of an individual not capable of such duties.

heir-one who inherits property.

high water mark-any land sold on tidal waters extends only to the height of high tide. The land between the high water and the low water marks belongs to the State.

inheritance tax-a tax based on the value of property acquired by an heir of the deceased.

inheritance tax waiver-a document issued by the New Jersey State Tax Division, which releases property from inheritance tax.

intestate-without a will

in rem-a proceeding against the property directly rather than against a person for taking land for non-payment of taxes.

indenture-a written agreement, formerly in  
intestate-without a will duplicate; an instrument binding an apprentice to service

inventory-an itemized list of the belongings of the estate of a deceased, a minor, etc.

issue-legitimate lineal descendants

joint tenancy-ownership of realty by 2 or more persons, each of whom has an undivided interest with the right of survivorship.

judgment-a decree of a Court stating that one individual is indebted to another and fixing the amount of the indebtedness.

legacy-a gift of personal property by will; a bequest

liber-a book, especially a book of records, as of deeds

lien—an encumbrance against property of another as security for the payment of a debt, judgment, mortgage, taxes or other obligation

link—a single loop or division of a chain, specifically a length in a surveyor's land measure equal to 7.92 inches

lis Pendens—recorded NOTICE of filing of a suit, the outcome of which may affect title to a certain land.

message—a dwelling house with its outbuildings and lands

metes—a boundary; an amount of distance in a particular compass course; for example, North 25° East 10 chains

modification—the making of a limited change to an instrument as to modify a mortgage

mortgage—a written instrument that creates a lien upon real estate as a security for the payment of debt.

mortgagee—the lender

mortgagor—the borrower

notary public—a person authorized by law to take acknowledgments and to administer oaths.

ordinance—a legal enactment of a city or county. These often determine the use of land.

Orphan' Court—was established in New Jersey in 1784. All records arising from the settlement of an estate, whether or not there were orphaned children, are under the jurisdiction of the Surrogate who, also, is custodian of the records generated by the estates of the deceased, minors, and lunatics as well as insolvent estates

owner of record-the owner's appearing on public record of a particular property.

partition-the division of real property between those parties who were formerly co-owners. This is usually accomplished by a legal proceeding.

party of the first part-the grantor; the seller

party of the second part-the grantee; the buyer

perch-a linear measure equal to one rod or 16.5 feet; a square rod

petition-a formal application in writing made to a court requesting judicial action concerning some matter therein set forth

personal estate-pertaining to property regarded as moveable or temporary; included slaves

plaintiff-a party who initiates a lawsuit

plat/plot-a plan or map of a specified parcel of land

plantation-any place that is planted; a farm or estate of many acres worked by resident laborers

plotting-drawing a map of property from the deed description

power of attorney-an instrument authorizing a person to act on one's behalf as agent or attorney

probate-to establish the validity of the will of a deceased person.

proprietary colony—an early American colony organized by Great Britain under a royal grant of territory with full administrative powers to a private person or persons

proprietor—a person having exclusive title to anything

proved—shown to be true or genuine as by evidence or argument

quit-claim deed—a deed that relinquishes only the Grantor's interest or rights in property with no Warranties of Ownership.

real estate-land and all its attachments also known as real property or realty.

recital—a detailed statement; that part of a deed used to show the reasons, objects, or purposes for which a conveyance is made or to show the source of the grantor's

recording—filing a document for public notice in the County Clerk's Office.

release—an instrument of conveyance by which one or more persons having a mutual interest in lands surrenders and relinquishes all his interest and estate to the other; a quit-claim; a discharge from responsibility or penalty, as from a debt

release of dower—widow relinquishes her right to her husband's lands

renunciation—a declaration in which something is given up or abandoned

restriction—a limitation or prohibition placed on the use of property, contained in a deed, declaration, agreement or local ordinance.

return—an official report; a road return records the information about the laying out, relaying or vacation of a road

revenue stamp—stamp affixed to deeds, which indicated payment of the State Transfer Tax at the rate of \$1.10 per thousand (no longer used).

right of survivorship—the right to succeed to the interest of a deceased. The distinguishing feature of both Joint Tenancy and Tenancy by the Entirety.

right of way—a type of easement giving the right to pass over or to cross a parcel of land.

rod—a measure of length equal to 5.5 yards, 16.5 feet, or 5.03 meters; 25 links

satisfaction—the performance of the terms of an obligation. Often an instrument recorded to show final payment of a mortgage loan.

searcher—a person, often an employee of a Title company, who examines the links of ownership, interest or rights to a piece of property which establishes a chain of title.

seized—in legal possession

setback—the distance from the curb or other established line in which no buildings can be erected.

sheriff's deed—the transfer of title of a debtor's property resulting from a writ of execution.

statute—a law established by an act of the legislature.

surety—one who guarantees the performance of an obligation by another.

surname—the name of a person's family; the last name

tax sale—sale of property conducted for the purpose of collecting delinquent taxes.

tenancy by the entirety—property ownership by husband and wife with equal rights of possession during their joint lives with the right of survivorship. When one dies, the other spouse owns the entire property.

testate—having made a will before decease; the person who made the will is called the testator/testatrix

title—evidence of ownership

title company—a business that examines title to estate and issues title insurance policies.

title insurance—a policy issued to property owners who protects the holder for any loss caused by defects in the title.

title search—an examination of the public records to determine the ownership and encumbrances affecting real property.

together with—includes any easements, etc. and not to be separate from the property

utility easement—the right to use one's property for laying gas, electric, water and sewer lines.

vacation of roads—a municipal ordinance or other lawful proceeding which vacates a street, highway or other public place.

vendue—a public sale or auction.