

CHAPTER 370

AN ACT concerning certain fees and salaries of county clerks, sheriffs, surrogates and other officers, amending and supplementing Title 22A of the New Jersey Statutes and amending various parts of the statutory law.

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

1. N.J.S.2B:14-3 is amended to read as follows:

Salaries of surrogates.

2B:14-3. Salaries of Surrogates. The board of chosen freeholders in each county shall fix the Surrogate's annual salary by resolution in an amount equal to not less than sixty-five percent (65%) of the annual salary of a Judge of the Superior Court which shall not be diminished during the term of office or during any consecutive terms served by the Surrogate. Nothing in this section shall be construed to require that a surrogate whose annual salary exceeds the amount provided for herein shall be reduced, or that a board of chosen freeholders may not increase the salary of a surrogate in excess of the amount provided for herein.

2. N.J.S.22A:2-29 is amended to read as follows:

County clerk, deputy clerk of Superior Court fees.

22A:2-29. 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 in all civil or criminal causes, 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	\$5.00
Comparing and making copies, per sheet.	\$2.00
Copies of all papers, typing and comparing of photostat, per page . . .	\$2.00
Marking as a true copy, any instrument	\$2.00
Exemplification, any instrument	\$10.00
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 churches, religious societies and congregations.	\$25.00
Amendments to certificates of incorporation of churches, religious societies and congregations, recording	\$25.00
Bank merger agreements, recording:	
First sheet	\$25.00
Each additional sheet	\$5.00
Certificates, each	\$5.00

Tradenames, firms, partnerships:

Certificate of name, filing (see R.S.56:1-1 et seq.)	\$50.00
Certificate of dissolution of tradename (see R.S.56:1-6 et seq.)	\$25.00
Partnership agreement (see R.S.42:1-1 et seq.)	\$50.00

P.L. 2001, CHAPTER 370

Building and loan or savings and loan associations:		
Change of name	.....	\$25.00
Dissolution	.....	\$25.00
Certificates for limited-dividend housing associations, recording:		
First page	.....	\$20.00
Each additional page	.....	\$5.00
Certificates for urban renewal associations, recording:		
First page	.....	\$20.00
Each additional page	.....	\$ 5.00
Judgments, et cetera--		
Recording judgments	.....	\$15.00
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	.....	\$15.00
For recording and indexing postponement of the lien of judgment.	.....	\$20.00
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
Construction lien	.....	\$15.00
Notice of unpaid balance, discharge	.....	\$15.00
Notation	.....	\$5.00
Bond	.....	\$25.00
Filing a court order to discharge notice of intention and noting the discharge on the record thereof	.....	\$15.00
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	.....	\$25.00
Filing discharge of building contract	.....	\$15.00
Notation	.....	\$ 5.00
Filing building specifications.	.....	\$25.00
Filing building plans	.....	\$25.00
Filing each notice of physician's lien	.....	\$15.00
Entering upon the record the discharge of a physician's lien	.....	\$15.00
Filing each hospital lien claim	.....	\$15.00
Discharge of hospital lien	.....	\$15.00
Filing satisfaction or order for discharge of attachment	.....	\$15.00
Recording collateral inheritance waiver or receipt	.....	\$15.00
Recording inheritance tax waiver.	.....	\$15.00
Subordination, release, partial release or postponement		
of a lien to lien of mortgage	.....	\$20.00
Notation	.....	\$ 5.00
Commissions and oaths--		
Administering oaths to notaries public and		
commissioners of deeds	.....	\$15.00
For issuing certificate of authority of notary to take proof,		
acknowledgment of affidavit	.....	\$ 5.00
For issuing each certificate of the commission and qualification		
of notary public for filing with other county clerks	.....	\$15.00
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	.....	\$15.00
Miscellaneous--		
Filing and recording proceedings for laying out,		
vacating or dedicating roads	.....	\$25.00
Recording firemen's certificates.	.....	No charge.
Registering physician	.....	\$25.00
Issuing alcoholic beverage identification card.		\$10.00
Issuing of nonalcoholic beverage identification card to persons		
under twenty-one years of age	.....	\$10.00

3. N.J.S.22A:2-30 is amended to read as follows:

Fees of surrogate and deputy clerk of the Superior Court

22A:2-30. Fees of surrogate and deputy clerk of the Superior Court.

Fees for services of the surrogate and deputy clerk of the Superior Court enumerated below shall be as follows and shall be for the use of the county in which the fees are collected:

PROBATE OF WILLS AND COPIES

Probate of a will of not more than two pages, \$100.00.

Each additional page, \$ 5.00.

The above fee is for all services in preparation and execution of complaint, filing proof of death, deposition of one witness, qualification of executor, filing power of attorney, surrogate's certificate, judgment for probate, letters testamentary, plain copy of will, binding, recording, microfilming or photostating, comparing, docketing, report to the Division of Taxation in the Department of the Treasury, report and transmission to the Clerk of the Superior Court.

Probate of will of not more than two pages without letters, \$50.00. Each additional page, \$ 5.00. This fee is for the same services as are enumerated in the preceding paragraph, except letters, surrogate's certificate and qualification of executor.

P.L. 2001, CHAPTER 370

4

Probate of each codicil, not exceeding one page, \$25.00.
Where codicil requires an additional witness, \$5.00.

To reopen probate proceedings for qualification of executor or taking proof of extra witness, \$25.00.

One witness in the above probate proceedings, no charge.
Each additional witness, \$5.00.

Recording and comparing, microfilming or photostating, each additional page of will or codicil, \$5.00.

Filing, entering, issuing and recording, microfilming or photostating, proceedings in commission for deposition of foreign witness to a will or codicil, \$35.00. Plain extra copy of will, \$3.00 for each page.

Certified extra copy of will, \$5.00 for each page, plus \$5.00 for certificate.

Certified copy of will with proofs for New Jersey county, not exceeding two pages including will and codicil, \$50.00. For pages in excess of two, \$5.00 for each page.

Wills filed but not probated (as, where there are no assets), \$10.00 for first two pages, \$5.00 for each additional page, \$5.00 for cover letter stating no assets, \$5.00 for death certificate.

Exemplifying will for another state, not exceeding two pages including will and codicil, plus cost of certificate of Secretary of State when requisite, \$75.00 (not including \$9.00 fee for exemplified forms). For pages in excess of two, \$5.00 for each page.

Recording, microfilming or photostating, docketing, indexing, filing and reporting to the Division of Taxation in the Department of the Treasury an exemplified copy of will and probate proceedings from another state, \$5.00 for each page.

Recording, microfilming or photostating, docketing, indexing and filing a certified copy of will with proofs from New Jersey, \$5.00 for each page.

Recording, microfilming or photostating certified transcripts of wills admitted to probate and probate proceedings or letters of administration and administration proceedings granted by the Superior Court, \$5.00 for each page.

LETTERS OF TRUSTEESHIP

Acceptance of trustee and letters of trusteeship, including one certificate, \$50.00.

LETTERS OF ADMINISTRATION

General administration, including preparation and execution of complaint, bond, surety affidavits, necessary recording, microfilming or photostating, indexing, filing, report to the Division of Taxation, including power of attorney and death certificate, in the Department of the Treasury and the Clerk of the Superior Court and original letters including authorization to accept service of process and death certificate, \$125.00, and for other documents, \$5.00 per page.

Administration ad prosequendum, \$50.00, and for other documents, \$5.00 per page.

Exemplifying administration, \$75.00.

Certified copy of administration, \$50.00.

Affidavits of surviving spouse or next of kin where the value of the real and personal assets of the estate does not exceed \$20,000.00 or \$10,000.00, respectively, \$5.00 for each \$100.00 or part thereof. Total cost shall not exceed \$50.00. This fee is waived where the value of the assets of the estate does not exceed \$200.00.

LETTERS OF GUARDIANSHIP

Granting letters of guardianship, acceptance of guardianship and filing of power of attorney, \$50.00.

Affidavits of estates of minors where value of real and personal estate does not exceed \$5,000.00, \$5.00 per page.

Miscellaneous petitions and orders, \$5.00 per page.

INVENTORIES

For all services in appointment of appraisers, \$25.00.

Filing, entering and recording, microfilming or photostating, inventory and appraisal, not exceeding one page, and affidavits of appraisers and executor, \$25.00.

For each additional page, \$5.00.

ACCOUNTING

For filing complaint and one page of accounting, \$175.00.

For auditing, stating, reporting and recording, microfilming or photostating, accounts of executors, administrators, guardians, trustees and assignees, including drawing judgment, but exclusive of advertising costs:

In estates up to and including \$2,000.00, no additional fee.

In estates from \$2,001.00 to and including \$10,000.00, \$100.00.

In estates from \$10,001.00 to and including \$30,000.00, \$125.00.

In estates from \$30,001.00 to and including \$65,000.00, \$150.00.

In estates from \$65,001.00 to and including \$200,000.00, 3/10 of 1% but not less than \$300.00.

In estates exceeding \$200,000.00--4/10 of 1%, but not less than \$400.00.

For each page of accounting in excess of one, \$5.00.

In computing the amount of an estate for the purpose of fixing the fees of a surrogate for auditing and reporting the account, the balance from the prior account shall be excluded.

For preparing notice of settlement of accounts and copies of the same, forwarding notice to newspaper, with directions as to publication, obtaining proofs of publication, keeping a record of notices and newspapers to which they are sent and of the moneys received to defray the cost of advertising and transmitting advertising charges to newspaper, \$50.00.

No fees herein allowed shall be charged against the recipient of any pension, bounty or allowance, for services of the surrogate and the Probate Part of the Chancery Division of the Superior Court in respect thereof, pursuant to N.J.S.3B:13-9 to 3B:13-14.

MISCELLANEOUS PROCEEDINGS

Proceedings relative to presumption of death, filing, entering and recording, microfilming or photostating (exclusive of letters), with additional fee for advertising, \$175.00.

Sale of land to pay debts (exclusive of advertising), \$175.00.

Sale of land in fulfillment of contract made by decedent, \$175.00.

Sale of lands within one year, \$175.00.

Sale of minor's land, \$175.00.

Distribution, filing and entering complaint, recording, microfilming or photostating, and filing judgment, \$175.00.

Filing of first paper in action in the Superior Court, Chancery Division, Probate Part, \$175.00.

Filing of answering pleadings or other answering papers in Superior Court, Chancery Division, Probate Part (First paper filed by anyone other than Plaintiff), \$110.00.

Adoption of adults, filing and entering proceedings (all papers) including one judgment, \$175.00.

Adoption of minors, filing and entering proceedings (all papers) including one judgment, \$175.00.

Application and order to limit time to creditors, \$40.00, but exclusive of advertising costs.

Application for relief subsequent to final judgment in the Superior Court, Chancery Division, Probate Part, \$25.00.

Preparing notices to creditors to present their claims and copies of the same, sending notice to newspapers with directions as to publication, obtaining proofs of publication, keeping a record of notices and newspapers to which they are sent for publication, and of the moneys received to defray the cost of advertising and transmitting advertising charges to newspapers, \$10.00.

Advertising order of court or notice, when done by the surrogate, \$10.00, in addition to advertising fees.

Proceedings for the appointment of a conservator, with or without jury trial, \$175.00.

Proceeding for the determination of incapacity and for the appointment of a guardian for an alleged incapacitated person, with or without jury trial, \$175.00.

Proceedings in connection with payment into court of proceeds of a judgment in favor of a minor, in lieu of bond, pursuant to N.J.S. 3B:15-16 and N.J.S.3B:15-17 (in addition to fees payable under Letters of Guardianship), the following fees are payable upon withdrawal of funds on deposit:

For each withdrawal including petitions and orders provided and prepared by the surrogate for withdrawal of funds for court approval:

Up to and including \$500.00, \$20.00.

From \$501.00 to and including \$1,000.00, \$25.00.

From \$1,001.00 to and including \$5,000.00, \$30.00.

From \$5,001.00 to and including \$10,000.00, \$35.00.

From \$10,001.00 to and including \$25,000, \$40.00.

From \$25,001.00 to and including \$50,000.00, \$60.00.

In excess of \$50,000.00, \$100.00.

MISCELLANEOUS CHARGES

Short certificates, \$5.00.

Validating short certificate within one year of issue of date, \$3.00.

Subpoenas, each, \$25.00.

Marking true copies, subpoenas, each, \$3.00.

Marking true copies, orders to show cause, each, \$3.00.

Marking true copies of other papers, each, \$3.00.

Authorization of process, \$5.00.

Swearing each witness, \$2.00.

Adjournment or continuance, \$15.00.

Miscellaneous orders of court, first page, \$5.00.

For each additional page, \$5.00.

Recording, microfilming or photostating all papers not herein provided for, \$5.00 for each page.

For making copies not otherwise provided for, \$3.00 for each page.

Filing transcript of death certificate, \$5.00.

Power of attorney, per page \$5.00 plus \$5.00 for certified mail.

Search fee, per estate \$10.00.

Proceedings relative to appointment of a guardian ad litem, \$25.00.

Renunciation by one person, filing, entering and recording, or photostating, \$5.00. Each additional person, \$3.00.

Caveat, filing or withdrawing, \$25.00.

Combined refunding bond and release of not more than two pages, filing, entering, microfilming and recording, or photostating, \$10.00. \$5.00 for each additional page. Additional charge for county clerk's certificate, \$5.00.

Release of not more than two pages of refunding bond and release, \$10.00. \$5.00 for each additional page. Additional charge for county clerk's certificate, \$5.00.

Assignments of legacy or interest, \$10.00 per page, plus \$5.00 where county clerk's

certificate is necessary.

Filing all papers not herein provided for, \$5.00, if microfilming process is used, \$5.00 per page.

Plain copy of two-page will, \$6.00.

Each additional page, \$3.00.

Filing of motions in the Superior Court, Chancery Division, Probate Part, \$15.00.

Notice of appeal (trial court), \$10.00.

Minimum charge for all other papers or services in proceedings in the Superior Court, Chancery Division, Probate Part, \$5.00.

3B:14-48 Service of Process by Surrogate, \$25.00.

Duplicating or copying of microfiche, digital tape, high density disks, optically scanned and recorded materials or for any other media used to record or preserve records, \$150.00 per medium recorded.

Processing fee for returned check, \$20.00 plus bank fee.

4. Section 2 of P.L.1965, c.123 (C.22A:4-4.1) is amended to read as follows:

C.22A:4-4.1 Fees for services of county clerks and registers.

2. County clerks and registers of deeds and mortgages, in counties having such offices, shall charge for the services herein enumerated the following fees:

	Fee
For recording veteran's discharge papers	No fee
For recording any instrument:	
First page	\$25.00
Each additional page or part thereof	\$ 5.00
Each rider, insertion, addition, or any map, plat or sketch filed or recorded pursuant to subsection (c) of section 2 of P.L.1957, c.130 (C.48:3-17.3)	\$ 5.00
For entering the marginal notation of an order judgment, statement or warrant discharging, annulling a notice of lis pendens and for filing such order, judgment or statement	\$ 5.00
For filing a lis pendens foreclosure.....	\$25.00
Notation	\$5.00
For preparing and transmitting to the assessor, collector, or other custodian of the assessment map of any taxing district, the abstract of an instrument evidencing title to realty	\$ 5.00
For entering the marginal notation of a discharge or release of a New Jersey building and loan or savings and loan mortgage and forwarding abstract	\$ 5.00
For entering the marginal notation of a discharge, assignment, postponement or release of a mortgage, other than building and loan and savings and loan mortgages	\$ 5.00
For the cancellation of any mortgage.	\$15.00
For a marginal notation of the discharge of a mortgage in counties where mortgages are indexed under a system requiring a duplication of indices and description.	\$ 5.00

For filing and recording notice of federal tax lien or other federal lien or certificate discharging such lien	.....	\$20.00
For filing a notice of settlement	.....	\$15.00
For filing each map, plat, plan or chart (except when presented by the State or its agencies or filed pursuant to subsection (c) of section 2 of P.L.1957, c.130 (C.48:3-17.3))	.....	\$50.00
For recording tax sale certificate, except by municipalities, or a redemption or assignment of tax sale certificate, first page	.....	\$25.00
Each additional page or part thereof	.....	\$ 5.00
Certified copy of veteran's discharge	.....	\$ 1.00
For indexing any recorded instrument in excess of 5 parties, per each name in excess of 5.	.....	\$ 1.00
For recording tax sale certificate, lien, deed, or related instrument by a municipality.	.....	\$ 3.00
For recording vacations or dedications of roads, first page	.....	\$25.00
Each additional page or part thereof	.....	\$ 5.00
For disclaimers	.....	\$10.00
For reimbursement agreements	.....	No fee

5. N.J.S.22A:4-8 is amended to read as follows:

Fees and mileage of sheriffs and other officers.

22A:4-8. For the services hereinafter enumerated sheriffs and other officers shall receive the following fees:

In addition to the mileage allowed by law, for serving every summons and complaint, attachment or any mesne process issuing out of the Superior Court, the sheriff or other officer serving such process shall, for the first defendant or party on whom such process is served, be allowed \$22.00 and, for service on the second defendant named therein, \$20.00, and for serving such process on any other defendant or defendants named therein, \$16.00 each, and no more. If a man and his wife be named in such process they shall be considered as one defendant, except where they are living separate and apart.

Serving summons and complaint in matrimonial actions, in addition to mileage, \$22.00.

Serving capias ad respondendum, capias ad satisfaciendum, warrant of commitment, writ of ne exeat, in addition to mileage, \$48.00.

Serving order to summon juries and return, \$8.00.

Serving every execution against goods or lands and making an inventory and return, in addition to mileage, \$48.00.

For returning every writ, \$2.00.

Executing every writ of possession and return, in addition to mileage, \$48.00.

Executing every writ of attachment, sequestration or replevin issuing out of any of the courts, in addition to mileage, \$48.00.

For serving each out-of-State paper, in addition to the mileage allowed by law, \$25.00 for the first defendant on whom such paper is served, \$20.00 for service on the second defendant named therein, and \$16.00 for serving such paper on any other defendant or defendants named therein. If a man and wife be named in such paper, they shall be considered as one defendant, except where they are living separate and apart.

For serving or executing any process or papers where mileage is allowed by law, the officer shall receive mileage actually traveled to and from the courthouse, at the rate per mile of \$0.16.

The sheriff shall be entitled to retain out of all moneys collected or received by him on a forfeited recognizance, whether before or after execution, or from ameracements, or from fines and costs on conviction, on indictment or otherwise, whether such moneys are payable to the State or to the county treasurer of the county wherein conviction was had, 5%.

For transporting each offender to the State Prison, per mile, but not less than \$3.00 for each offender, to be certified by the keeper of the prison and the certificate to be delivered to the

county treasurer of the county where the conviction was had, \$0.23.

EXECUTION SALES

When a sale is made by virtue of an execution the sheriff shall be entitled to charge the following fees: On all sums not exceeding \$5,000.00, 6%; on all sums exceeding \$5,000.00 on such excess, 4%; the minimum fee to be charged for a sale by virtue of an execution, \$50.00.

On an execution against wages, commissions and salaries, the sheriff shall charge the same percentage fees on all sums collected as those percentage fees applicable in cases wherein an execution sale is consummated.

When the execution is settled without actual sale and such settlement is made manifest to the officer, the officer shall receive 1/2 of the amount of percentage allowed herein in case of sale.

Making statement of execution, sales and execution fees, \$10.00.

Advertising the property for sale, provided the sheriff or deputy sheriff attend in pursuance of the advertisement, \$20.00.

Posting property for sale, \$20.00.

For the crier of the vendue, when the sheriff proceeds to sell, for every day he shall be actually employed in such sale, \$5.00.

Every adjournment of a sale, but no more than one adjournment shall be allowed, and if the sheriff shall have several executions against a defendant, he shall only be allowed for advertising, attending and adjourning, as if he had but one execution, \$28.00.

Drawing and making a deed to a purchaser of real property, \$75.00.

Drawing and making a bill of sale to the purchaser of personal property when such bill of sale is required or demanded, \$20.00.

When more than one execution shall be issued out of the Superior Court upon any judgment, each sheriff to whom such execution shall be directed and delivered shall be entitled to collect and receive from the defendant named in such execution the fees allowed by law for making a levy and return and statement thereon, or for such other services as may be actually performed by him, and the sheriff who shall collect the amount named in said execution or any part thereof, shall be entitled to the legal percentage upon whatever amount may be so collected by him, but in case any such judgment shall be settled between the parties and the amount due thereon shall not be collected by either sheriff, then the percentage on the amount collected which would be due the sheriff thereon in case only one execution had been issued shall be equally divided among the several sheriffs in whose hands an execution in the same cause may have been placed.

The sheriff shall file his taxed bill of costs with the clerk of the court out of which execution issued, within such time as the court shall direct by general rule or special order, or, in default thereof, he shall not be entitled to any costs. If any sheriff shall charge in such bill of costs for services not done, or allowed by law, or shall take any greater fee or reward for any services by him done than is or shall be allowed by law, he shall be liable for the damages sustained by the party aggrieved including a penalty of \$30.00, to be recovered in a summary manner, in the action or proceeding wherein the execution was issued or otherwise.

C.22A:4-8.1 County treasurer responsible for fees of sheriffs, use.

6. a. The county treasurer shall be responsible for all fees received by or deposited with the county sheriff pursuant to N.J.S.22A:4-8. The county sheriff shall account to the county treasurer for all these fees.

b. The county treasurer shall deposit into a trust fund dedicated to the sheriff's office \$2.00 of each fee over the amount of \$3.00 received for a service enumerated in N.J.S.22A:4-8. Such sums shall be deposited within 10 days of receipt by the county treasurer. Monies in the trust fund shall be used to upgrade and modernize the services provided by their offices. As used in this section, "to upgrade and modernize the services" shall not include the costs associated with employing personnel and shall not include offset of existing salary or new positions. The monies in the trust fund shall not be used for budgetary reduction by the counties.

c. Notwithstanding any provision of law to the contrary, monies received by a county sheriff attributable solely to the amount of fee increases for services enumerated in N.J.S.22A:4-8

pursuant to the amendments set forth in section 5 of P.L.2001, c.370, that exceed in any year the amount by which the annual minimum salary of the sheriff fixed pursuant to N.J.S.40A:9-104 exceeds the amount of the county sheriff's salary in effect on November 1, 2000, shall be used for budgetary reduction by the county and shall be reflected as a county tax levy reduction.

7. N.J.S.22A:4-17 is amended to read as follows:

Disposition of fees of county officers.

22A:4-17. All fees, costs, allowances, percentages and other perquisites of whatever kind which surrogates, county clerks in their several capacities, registers of deeds and mortgages, and sheriffs or persons employed in their offices are entitled to charge and receive for any official acts or services they may render shall be for the sole use of the county and shall be accounted for regularly to the county treasurer; however, such monies shall be utilized to increase the salaries of surrogates, county clerks, registers of deeds and mortgages and sheriffs, except as provided in section 6 of P.L.2001, c.370 (C.22A:4-8.1), section 7 of P.L.1985, c.422 (C.22A:4-17.1) and section 4 of P.L.1988, c.109 (C.22A:4-17.2).

Such accounting shall be made on or before the fifteenth day of each month on form blanks supplied by the county treasurer. The statement of account shall clearly set forth all sums charged or taxed or which shall have accrued or become payable during the preceding month. Such statements shall be made under oath and filed in the office of the county treasurer as public records.

Such statements when received by the county treasurer shall be forthwith audited by the county auditor or other proper officer.

On or before the twentieth day of each month surrogates, county clerks, registers of deeds and mortgages, and sheriffs shall pay over the amount of such fees and moneys to the county treasurer and such officers shall be personally liable to the county for such fees and moneys.

The penalty for each day's neglect to file the required statement of account or to pay over such moneys shall be one hundred dollars (\$100.00) to be recovered in the name of the board of chosen freeholders of the county in a civil action in the Superior Court, and said officers may also be proceeded against by proceeding in lieu of prerogative writ.

8. Section 4 of P.L.1988, c.109 (C.22A:4-17.2) is amended to read as follows:

C.22A:4-17.2 Funds for service modernization, budgetary reduction

4. a. The county treasurer shall return to the county surrogate \$2.00 of each fee received for the probate of a will; for the grant of general administration; for the grant of letters of guardianship; for the grant of letters of trusteeship for the filing of inventories; for the filing of accountings; and for any other proceeding filed, recorded or issued in the surrogate's court. Such sums shall be returned within 10 days of receipt by the county treasurer.

b. Monies received by the county surrogates pursuant to the provisions of subsection a. of this section shall be used to upgrade and modernize the services provided by their offices. These monies shall not be used for budgetary reduction by the counties.

c. Notwithstanding any provision of law to the contrary, monies received by a county surrogate attributable solely to the amount of fee increases for services enumerated in N.J.S.22A:2-30 pursuant to the amendments set forth in section 3 of P.L.2001, c.370, that exceed in any year the amount by which the annual minimum salary of the surrogate fixed pursuant to N.J.S.2B:14-3 exceeds the amount of the surrogate's salary in effect on November 1, 2000, shall be used for budgetary reduction by the county and shall be reflected as a county tax levy reduction.

9. Section 7 of P.L.1985, c.422 (C.22A:4-17.1) is amended to read as follows:

C.22A:4-17.1 Funds to upgrade services, budgetary reduction.

7. a. The county treasurer shall return to the county clerk or the register of deeds and mortgages \$2.00 of each fee received for the recording, filing or cancelling of a document in the

office of the county clerk or register of deeds and mortgages. Such sums shall be returned within 10 days of receipt of the fee by the county treasurer.

b. Monies received by the county clerks or registers of deeds and mortgages pursuant to the provisions of subsection a. shall be used to upgrade and modernize the services provided by their offices.

c. The provisions of subsection a. shall not apply to fees received from municipalities for recording, filing or cancelling documents.

d. Notwithstanding any provision of law to the contrary, monies received by a county clerk attributable solely to the amount of fee increases for services enumerated in N.J.S.22A:2-29 pursuant to the amendments set forth in section 2 of P.L.2001, c.370 and enumerated in section 2 of P.L.1965, c.123 (C.22A:4-4.1) pursuant to the amendments set forth in section 4 of P.L.2001, c.370, that exceed in any year the amount by which the annual minimum salary of the county clerk fixed pursuant to N.J.S.40A:9-76 exceeds the amount of the county clerk's salary in effect on November 1, 2000, shall be used for budgetary reduction by the county and shall be reflected as a county tax levy reduction.

e. Notwithstanding any provision of law to the contrary, monies received by a register of deeds and mortgages attributable solely to the amount of fee increases for services enumerated in section 2 of P.L.1965, c.123 (C.22A:4-4.1) pursuant to the amendments set forth in section 4 of P.L.2001, c.370 that exceed in any year the amount by which the annual minimum salary of the register of deeds and mortgages fixed pursuant to N.J.S.40A:9-92 exceeds the amount of the salary of the register of deeds and mortgages in effect on November 1, 2000, shall be used for budgetary reduction by the county and shall be reflected as a county tax levy reduction.

10. N.J.S.40A:9-76 is amended to read as follows:

Salary of county clerk in certain counties.

40A:9-76. The board of chosen freeholders in each county, by resolution, shall fix the annual salary of the county clerk in an amount equal to not less than sixty-five percent (65%) of the annual salary of a Judge of the Superior Court. Nothing in this section shall be construed to require that a county clerk whose annual salary exceeds the amount provided for herein shall be reduced, or that a board of chosen freeholders may not increase the salary of a county clerk in excess of the amount provided for herein.

Nothing in this section shall authorize the fixing of the salary of any person holding the office of county clerk at any amount less than that now payable pursuant to law, so long as the said person shall hold such office during the present and any consecutively ensuing term or terms, nor shall anything in this section authorize the payment of any salary for which a range is established in an amount less than the minimum of said range.

The salary of said officer shall be paid by the proper county disbursing officer in the same manner as county officers and employees are paid.

11. N.J.S.40A:9-92 is amended to read as follows:

Salary of register of deeds and mortgages.

40A:9-92. The board of chosen freeholders in each county, by resolution, shall fix the annual salary of the register of deeds and mortgages in an amount equal to not less than sixty-five percent (65%) of the annual salary of a Judge of the Superior Court. Nothing in this section shall be construed to require that a register whose annual salary exceeds the amount provided for herein shall be reduced, or that a board of chosen freeholders may not increase the salary of a register in excess of the amount provided for herein.

Nothing in this section shall authorize the fixing of the salary of any person holding the office of register of deeds and mortgages at any amount less than that now payable pursuant to law, so long as the said person shall hold such office during the present and any consecutively ensuing term or terms, nor shall anything in this section authorize the payment of any salary for which a range is established in an amount less than the minimum of said range.

The salary of said officer shall be paid by the proper county disbursing officer in the same

manner as county officers and employees are paid.

12. N.J.S.40A:9-104 is amended to read as follows:

Salary of sheriff.

40A:9-104. The board of chosen freeholders in each county, by resolution, shall fix the annual salary of the sheriff in an amount equal to not less than sixty-five percent (65%) of the annual salary of a Judge of the Superior Court. Nothing in this section shall be construed to require that a sheriff whose annual salary exceeds the amount provided for herein shall be reduced, or that a board of chosen freeholders may not increase the salary of a sheriff in excess of the amount provided for herein.

Nothing in this section shall authorize the fixing of the salary of any person holding the office of sheriff at any amount less than that now payable pursuant to law, so long as the said person shall hold such office during the present and any consecutively ensuing term or terms, nor shall anything in this section authorize the payment of any salary for which a range is established in an amount less than the minimum of said range.

The salary of said officer shall be paid by the proper county disbursing officer in the same manner as county officers and employees are paid.

C.22A:2-51.1 Dedicated check off fee revenues for upgrading and modernizing services, capital plan.

13. With regard to all increased check off fee charges, the revenues from which are dedicated to upgrading and modernizing the services provided by the offices of constitutional officers, pursuant to the provisions of P.L.2001, c.370 (C.22A:4-8.1 et al.) or any other provision of law:

a. Each constitutional officer shall prepare and submit to the board of chosen freeholders, for its approval, a five-year capital plan setting forth the capital purposes to which the check off fee revenues are to be applied, which purposes shall include improving recording and election related records when applicable;

b. Any dispute concerning the use of the check off fee revenues shall be submitted to and resolved by the assignment judge of the county, who shall be the final arbiter of such disputes;

c. Check off fee revenues shall not be used for budgetary reduction by the county and the Director of the Division of Local Government Services in the Department of Community Affairs shall require the amendment of any county budget that is not in compliance with the requirements of this subsection;

d. Interest earned on check off fee revenues held in a dedicated or trust account shall accrue to that account and shall be used only for the purposes of check off fee revenues.

14. This act shall take effect immediately.

Approved January 8, 2002.