

COUNTY of CAPE MAY
RITA M. ROTHBERG, COUNTY CLERK
DIANA L. HEVENER
DEPUTY COUNTY CLERK



Location:
7 North Main Street
Cape May Court House
New Jersey 08210

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www.capemaycountyvotes.com

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P.O. Box 5000
Cape May Court House
New Jersey 08210-5000

Deeds

Legal Advice

Always consult with a licensed New Jersey attorney whenever you are contemplating the recording of a document which affects real property ownership. The wide-ranging issues surrounding a real estate transaction and the preparation of a deed and other documents is a complicated legal matter and should be handled by an attorney-at-law. The role of the County Clerk as the Register of Deeds and Mortgages is to review the documents presented for compliance with statutory requirements and when they meet those requirements to record them in the public record. The staff of the County Clerk's Office is not permitted to prepare legal documents or to dispense legal advice.

Requirements – NJSA 26A, NJSA 46:15, NJSA 54A:8

The following are basic recording requirements, statutory citations, Realty Transfer Fee information, Gross Income Tax information and fees necessary for recording of deeds in New Jersey. Not all items pertain to every transaction. Some requirements are not listed here. This information is provided as a guide and should not be used as a substitute for the services of an attorney.

1. A cover sheet (or electronic synopsis). The fill in cover sheet form is available at this link: <http://www.capemaycountyclerk.com/DocumentCenter/View/4226>
2. The words "prepared by" followed by the printed name of the preparer on first page.
3. Name(s) of the grantor(s) (seller).
4. Name(s) of the grantee(s) (buyer).
5. Complete mailing address of the grantee, including postal zip code.
6. Date of deed.
7. A statement of the true consideration (including the balance of any assumed mortgage) shall be contained in the deed, the acknowledgment, the proof of the execution or an attached affidavit by one of the parties to the deed or a legal representative of one of the parties. Consideration is defined as the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid for the transfer of title to the lands, tenements and other realty, including the remaining amount of any prior mortgage to which the transfer is subject or assumed.
8. Municipality Name, Tax Block and Lot Number and Qualifier, if any, from the current Tax Map. If the property being conveyed is part of a subdivided property and does not yet appear as a separate item on the municipal assessor's list the words "part of" must be included with the current Tax Block and Lot number. If the property is not included at all on the municipal assessor's tax list, then the Deed must contain a statement that no property tax identification number is available.
9. Description of the property sufficient to identify it and the nature of the interest being transferred.
10. Signature(s) of grantor(s) (the seller).
11. Grantor(s) name(s) typed or printed beneath the signature(s). If the grantor is corporation or other entity the title of the person signing on its behalf.

12. Grantor(s) signature(s) must be fully acknowledged by a notary public or other officer authorized by law to take oaths. Acknowledgment must include the name of the state and county where the acknowledgment is taken, full date, name(s) of the person(s) signing the deed and the consideration amount. If the grantor is a corporation or other entity there must be a statement that the maker was authorized to execute the instrument on behalf of the entity and that the maker executed the instrument as the act of the entity. Notary or other officer taking the acknowledgment must sign the acknowledgment and print his/her name, title and jurisdiction as a notary or other officer authorized to take oaths.
13. Payment of Recording Fees payable to County Clerk.
14. Affidavit of Consideration for Use by Seller form (RTF-1) and/or Affidavit of Consideration for Use by Buyer form (RTF-1EE) when necessary
15. Payment of New Jersey Realty Transfer Fee(s). Realty Transfer fees are payable to County Clerk.
16. A NJ Gross Income Tax form is required with the recording of a deed. An estimated tax payment or waiver is required by out of state sellers.
17. Must be in English.
18. Document must be clear and legible print for accurate reproduction.
19. Record and return information on document.

Additional Requirements for Condominium Unit Deeds

Name of the condominium, the book and page recording reference to the master deed and the proportionate **undivided** interests in the common elements appurtenant to unit all as set forth in the master deed. Cite the last recorded deed.

Additional Requirements for New Construction Deeds

Affidavit of Consideration for Use by Seller (RTF-1) submitted in duplicate is required for New Construction Deeds. In **addition** the words "NEW CONSTRUCTION" must be printed clearly in upper case lettering at the top of the first page of the deed.

Additional Requirements for Minor Subdivision Deeds

Signatures **and** approval dates from Municipal Planning Board and Cape May County Planning Board (NJSA 40:55D-47)

Sheriff's Deeds

When an application is made to the Sheriff for the sale of any real property, whether under execution or pursuant to any writ, judgment or order, an [Affidavit of Consideration for Sheriff's Deeds \(RTF-8\)](#) must be supplied to the Sheriff. This affidavit lists, under oath, the name of any other mortgagees and other holders of encumbrances and the current balance of all prior mortgages, liens or encumbrances constituting consideration. The Sheriff's Affidavit is not an exemption from the Realty Transfer Fee.

New Jersey Realty Transfer Fee

NJ Realty Transfer fee is payable to the County Clerk upon the recording of a deed.

Regulations and forms: <http://www.state.nj.us/treasury/taxation/lpt/rtffags.shtml>

Chart showing the fee for transfers under \$350,000-:

<http://www.state.nj.us/treasury/taxation/pdf/lpt/feeschedunder350.pdf>

Chart showing the fee for transfers over \$350,000-:

<http://www.state.nj.us/treasury/taxation/pdf/lpt/feeschedover350.pdf>

New Jersey Realty Transfer Fee Rates Effective since 8/1/2004	Consideration Amount	Rate per 500 of Consideration	Rate Per 1,000 of Consideration
Standard and New Construction up to \$350,000	1st 150,000	2	4
	150,000.01-200,000	3.35	6.70
Standard and New Construction over \$350,000	200,000.01 +	3.90	7.80
	1st 150,000	2.90	5.80
	150,000.01-200,000	4.25	8.50
	200,000.01-550,000	4.80	9.60
	550,000.01-850,000	5.30	10.60
Partial Exemption up to \$350,000 Senior Citizen, Blind, Disabled, Low and Moderate Income Housing	850,000.01-1M	5.80	11.60
	1,000,000.01 +	6.05	12.10
	1st 150,000	0.50	1
	150,000.01 +	1.25	2.50
Partial Exemption over \$350,000 Senior Citizen, Blind, Disabled, Low and Moderate Income Housing	1st 150,000	1.40	2.80
	150,000.01-550,000	2.15	4.30
	550,000.01-850,000	2.65	5.30
	850,000.01-1M	3.15	6.30
	1,000,000.01 +	3.40	6.80

There is an additional fee for Grantees (Buyers) of properties which transfer for more than \$1,000,000. The fee is 1% of the entire consideration.

Affidavits

An [Affidavit of Consideration for Use By Seller \(RTF-1\)](#) is submitted in duplicate with any deed in which a full or partial exemption is claimed from the Realty Transfer Fee. There are 16 reasons listed in the instructions for full exemption from the fee, and partial exemptions for Senior Citizens, Blind or Disabled, Low and Moderate Income Housing and New Construction. (NJSA 46:15-6.b) An Affidavit of Consideration for Use by Seller is also required when the entire consideration is not recited in the deed, the acknowledgment or proof of execution. (NJSA 46:15-6.a) An Affidavit of Consideration for Use by Seller (RTF-1) is also required on transfer of Class 4 properties (NJSA 46:15-7.2d(1))

An [Affidavit of Consideration for Use by Buyer \(RTF-1EE\)](#) submitted in duplicate is required when:

- Consideration is in excess of \$1,000,000
- When transferring Class 4A property as defined in N.J.A.C. 18:12-2.2
- When the grantee (buyer) claims an exemption from payment of the Realty Transfer Fee
- When the entire consideration is not recited in the Deed, the acknowledgment or proof of execution. (NJSA 46:15-7.2.d(2) and (3))

Cape May County/Municipal Codes for use on forms RTF-1 and RTF-1EE:

0501 Avalon Borough
0502 Cape May City

0503 Cape May Point Borough
0504 Dennis Township

0505 Lower Township
0506 Middle Township
0507 North Wildwood City
0508 Ocean City
0509 Sea Isle City
0510 Stone Harbor Borough

0511 Upper Township
0512 West Cape May Borough
0513 West Wildwood Borough
0514 Wildwood City
0515 Wildwood Crest Borough
0516 Woodbine Borough

New Jersey Gross Income Tax

A NJ Gross Income Tax form is required with the recording of a deed. An estimated tax payment or waiver form is required by out of state sellers. [New Jersey Gross Income Tax Information and Forms](#)

1. Gross Income Tax forms necessary to the transaction (at least 1 is required; more than 1 may be required for a transaction) (NJSA 54A:8-10d)
2. Nonresident Seller's Tax Declaration (form GIT/REP-1) with payment of estimated tax payable to State of NJ Division of Taxation
3. Nonresident Seller's Tax Prepayment Receipt (form GIT/REP-2). This form requires payment in advance of NJ Division of Taxation, Seal of the Director, Division of Taxation and date.
4. Seller's Residency Certification/Exemption (form GIT/REP-3)
5. Waiver of Seller's Filing Requirement of GIT/REP Forms and Payment (form GIT/REP-4). Requires Seal of the Director, Division of Taxation and date.
6. Waiver of Seller's Filing Requirement of GIT/REP Forms and Payment for Corrected Deed with No Consideration (form GIT/REP-4a). Payment of Estimated Gross Income Tax payable to the State of NJ Division of Taxation when applicable (GIT/REP-1)

Fees

Regular recording fee:	\$30.00 first page of document (front) plus \$10.00 each additional recorded page plus
Homelessness Trust Fund:	\$ 5.00 per instrument
Abstracting fee:	\$10.00 per instrument
If applicable, Names fee	\$ 6.00 per name, beginning with the sixth name
If applicable, Realty Transfer Fee	see chart
If applicable, Gross Income Tax	see instructions on form

Make check for recording fees and NJ Realty Transfer fee payable to Cape May County Clerk. Please adhere to our document fee policy. Checks in excess of \$10,000 in the aggregate must be a certified or bank official check.

Make checks for Gross Income Tax (with GIT/REP-1 form and voucher for out of state sellers payable to State of NJ – Div. of Taxation.

Deliver documents and fees to:

Cape May County Clerk
7 N Main Street DN 109
P.O. Box 5000
Cape May Court House, NJ 08210-5000