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Date: December 4, 2009
To: All Clients and Friends
From: Cliff Bernstein
Re: Surcharge to Record Instruments in Middlesex, Passaic & Union County

**NEW JERSEY
TITLE ALERT**

Surcharge to Record Instruments in Middlesex, Passaic & Union County

On September 8, 2009, the Governor signed A3101/S2354, the "County Homelessness Trust Fund Act", which allows each county, in its own discretion, to require payment of a \$3.00 surcharge on each document to be recorded in order to fund a "homelessness trust fund", the stated purpose of which is to "provide some of the additional funds necessary to move homeless or formerly homeless individuals toward the goal of permanent affordable housing and self-sufficiency."

Thus far, we have learned of three (3) Counties which have announced their intention to charge the \$3.00 fee on every document delivered to its County Clerk's Office for recording. Those Counties, and their announced starting dates for the imposition of this recording surcharge, are as follow:

County and Effective Date

- Middlesex County - January 1, 2010 (according to a November 24, 2009 announcement by Elaine M. Flynn, Middlesex County Clerk)
- Passaic County - December 1, 2009 (according to a newspaper account; no verification found on the County website yet)
- Union County - Unknown, but possibly January 1, 2010 (the Freeholder's resolution approving the recording surcharge did not contain an official launch date; a November 13, 2009 Union County press release states that "[t]he surcharge will become effective next year.")

We will advise you of additional County activity as we hear of it.

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