

# Appendix A



The street address of the Property is:

**4. Signatures.** This Deed is signed and attested to by the Grantor's proper corporate officers as of the date at the top of the first page. Its corporate seal is affixed. (Print name below each signature.)

Witnessed or Attested by:

\_\_\_\_\_ By: \_\_\_\_\_

STATE OF NEW JERSEY, COUNTY OF  
I CERTIFY that on

SS:

personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) was the maker of the attached Deed;
- (b) was authorized to and did execute this Deed as of

(c) made this Deed for \$ \_\_\_\_\_ the entity named in this Deed;  
as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5); and

- (d) executed this Deed as the act of the entity.

RECORD AND RETURN TO:

\_\_\_\_\_

*Print name and title below signature*

# Appendix B

# Affidavit of Title

STATE OF NEW JERSEY COUNTY OF

SS:

say(s) under oath:

1. **Representations.** If only one person signs this Affidavit, the words "we," "us" and "our" shall mean "I," "me" and "my." The statements in this Affidavit are true to the best of our knowledge, information and belief.

2. **Name, Age and Residence.** We have never changed our names or used any other names. We are citizens of the United States and at least 18 years old. After today, we will live at

3. **Ownership and Possession.** We are the only owners of Property located at

\_\_\_\_\_ called "this Property."  
\_\_\_\_\_ called the "Buyers."  
We now sell this Property to  
We are in sole possession of this Property. There are no tenants or other occupants of this Property. We have owned this Property since \_\_\_\_\_ Since then no one has questioned our ownership or right to possession. We have never owned any Property which is next to this Property. Except for our agreement with the Buyers, we have not signed any contracts to sell this Property. We have not given anyone else any rights concerning the purchase or lease of this Property.

4. **Improvements.** No additions, alterations or improvements are now being made or have been made to this Property since \_\_\_\_\_. We have always obtained all necessary permits and Certificates of Occupancy. All charges for municipal improvements such as sewers, sidewalks, curbs or similar improvements benefiting this Property have been paid in full. No building, addition, extension or alteration on this Property has been made or worked on within the past 90 days. We are not aware that anyone has filed or intends to file a mechanic's lien, Notice of Unpaid Balance and Right to File Lien Claim, construction lien or building contract relating to this Property. No one has notified us that money is due and owing for construction, alteration or repair work on this Property.

5. **Liens or Encumbrances.** We have not allowed any interests (legal rights) to be created which affect our ownership or use of this Property. No other persons have legal rights in this Property, except the rights of utility companies to use this Property along the road or for the purpose of serving this Property. There are no pending lawsuits or judgments against us or other legal obligations which may be enforced against this Property. No bankruptcy or insolvency proceedings have been started by or against us. We have never been declared bankrupt. No one has any security interest in any personal Property or fixtures included in this sale. All liens (legal claims, such as judgments) listed on the attached judgment or lien search are not against us, but against others with similar names.

6. **Marital/Civil Union History.** (Check where appropriate)

- We are not married or civil union partners.  
 We are married to each other or are civil union partners. We were married or became civil union partners on \_\_\_\_\_ The maiden/previous name of \_\_\_\_\_ was \_\_\_\_\_  
 This Property has never been occupied as the principal matrimonial/civil union residence of any of us. (If it has, or if it was acquired before May 28, 1980, each spouse/partner must sign the Mortgage and Affidavit N.J.S.A. 3B:28-2,3.)  
 Our complete marital or civil union history is listed above except as listed below under paragraph 7. This includes all marriages or civil unions not listed above, and any pending matrimonial or civil union actions. We include how each marriage or civil union ended. We have attached copies of any death certificates, judgments for divorce or annulment or dissolution of a civil union including any provisions in these judgments which relate to this Property.

7. **Exceptions and Additions.** The following is a complete list of exceptions and additions to the above statements. This includes all liens or mortgages which are not being paid off as a result of this sale, as well as marital information not particularly set forth in paragraph 6 above.

We have been advised that recognizance and/or abstracts or recognizance of bail are not being indexed among the records of the \_\_\_\_\_ County Clerk/Register's office and that the Title Company, Buyer(s) and/or Mortgagee will rely on the truthfulness of this statement. The undersigned hereby certify that there are no recognizance filed against the undersigned as either principal or surety on the property which is the subject of this transaction. There are no unpaid fines or surcharges levied against us by the New Jersey Motor Vehicle Commission.

8. **Child Support.**

- There are no outstanding child support orders or judgments against this deponent.  
 There is a child support order outstanding, Docket no. \_\_\_\_\_ against this deponent. All payments, however, are current as of this date.

9. **Reliance.** We make this Affidavit in order to induce the Buyer(s) to accept our Deed. We are aware that the Buyer(s) and their Mortgage lender rely on our truthfulness and the statements made in this Affidavit.

Signed and sworn to before me on (date)

\_\_\_\_\_

\_\_\_\_\_

# Appendix C

Charles Jones, Inc.

50 Capitol Street, P.O. Box 8488  
Trenton, NJ 08650-0488  
(609) 396-9000/(800) 792-8888

1099-S Reporting Form

Section 6045(3) of the Internal Revenue Code, as amended by the Tax Reform Act of 1986, requires that information regarding certain real estate transaction be reported to the Internal Revenue Service. You are required to provide the closing agent with your correct taxpayer identification number. If you fail to furnish the required information and your correct taxpayer identification number, you may be subject to civil or criminal penalties imposed by law.

(Please print or type)

[ ] CORRECTE

**SELLER INFORMATION**

Taxpayer ID Number: \_\_\_\_\_ Type of Taxpayer ID Number: [x] Social Security Number  
[ ] Employer ID Number

Seller Name Line 1: \_\_\_\_\_  
Seller Name Line 2: \_\_\_\_\_

Line 2 provided for Spouse, trustee or business name of sole proprietorship. Use separate form for multiple sellers.

Forwarding Address (as of 1/31 next year): Street: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

**PROPERTY INFORMATION**

Brief Property Block: \_\_\_\_\_, Lot \_\_\_\_\_  
Street Address: \_\_\_\_\_  
Description: City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Contract Sales Price or Gross Proceeds: \$ \_\_\_\_\_ Sellers' Allocation:  
Buyer's Portion of Real Estate Tax (i.e., tax credits received by seller): \$ \_\_\_\_\_

Closing Date: \_\_\_\_\_ Exchange of other property or services (as part of consideration):

**SELLER CERTIFICATION**

Under penalties of perjury, I certify that the above information is correct and that the number shown on this statement is my correct taxpayer identification number. Furthermore, I understand that this information will be furnished to the Internal Revenue Service.

DATE: \_\_\_\_\_ Signature: \_\_\_\_\_

**CLOSING AGENT OR ATTORNEY INFORMATION:**

Wilentz, Goldman & Spitzer  
90 Woodbridge Center Drive  
Woodbridge, NJ 07095

CJI Acct. No.: 826070020  
Taxpayer ID No.: 22-2292919  
Your Case/File No.: \_\_\_\_\_

# Appendix D

# 1099-S Certification Form

EXCLUSION OF PRINCIPAL RESIDENCE  
from 1099-S Reporting Requirement

*Searching Excellence Since 1911*

*Charles Jones* LLC

Box 8488 • Trenton, NJ 08650-0488 • 609.538.1000 • 800.792.8888 • Fax: 800.883.0677 • www.charlesjones.com

The seller of a principal residence should complete this form to determine whether the sale or exchange should be reported to the IRS on Form 1099-S. Proceeds from Real estate Transaction. If the seller completes Parts I and III, and makes a "yes" response to assurances (1) through (4) in Part II, no information reporting will be required for that seller. The term "seller" includes each owner of the residence that is sold or exchanged. Thus, if a residence has more than one owner, the closing agent must either obtain a certification from each owner (whether married or not) or file an information return and furnish a payee statement for any owner who does not make the certification.

### Part I. Seller Information:

1. Name \_\_\_\_\_
2. Address or legal description (including city, state and zip code) of residence being sold or exchanged:  
 Block \_\_\_\_\_ Lot \_\_\_\_\_ Street Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_
3. Taxpayer Identification Number (TIN) \_\_\_\_\_

### Part II. Seller Assurances:

- |                          |                          |   |
|--------------------------|--------------------------|---|
| TRUE                     | FALSE                    |   |
| <input type="checkbox"/> | <input type="checkbox"/> | 1. I owned and used the residence as my principal residence for 2 or more years during the 5 year period ending on the date of the sale or exchange of the residence.                                 |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. I have not sold or exchanged another principal residence during the 2 year period ending on the date of the sale or exchange of the residence (excluding any sale or exchange before May 7, 1997). |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. No portion of the residence has been used for business or rental purposes by me (or my spouse if I am married) after May 6, 1997.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. At least one of the following three statements applies:  |

The sale or exchange is of the entire residence for \$250,000 or less.

-or-

I am married, the sale or exchange is of the entire residence for \$500,000 or less, and the gain on the sale or exchange of the entire residence is \$250,000 or less.

-or-

I am married, the sale or exchange is of the entire residence for \$500,000 or less, and (a) I intend to file a joint return for the year of the sale or exchange, (b) my spouse also used the residence as his or her principal residence for 2 years or more during the 5 year period ending on the date of the sale or exchange, and (c) my spouse also has not sold or exchanged another principal residence during the 2 year period ending on the date of the sale or exchange (excluding any sale or exchange before May 7, 1997).

### Part III. Seller Certification:

Under penalties of perjury, I certify that all the above information is true as of the end of the day of the sale or exchange.

\_\_\_\_\_  
Signature of the Seller

\_\_\_\_\_  
Date

# Appendix E

STATE OF NEW JERSEY

FOR RECORDER'S USE ONLY	
Consideration	\$ _____
RTF paid by seller	\$ _____
Date	By _____

} SS. County Municipal Code

COUNTY \_\_\_\_\_

MUNICIPALITY OF PROPERTY LOCATION \_\_\_\_\_ \*Use symbol "C" to indicate that fee is exclusively for county use.  
(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions # 3 and # 4 on reverse side)

Deponent, \_\_\_\_\_, being duly sworn according to law upon his/her oath.  
(Name)  
deposes and says that he/she is the \_\_\_\_\_ in a deed dated \_\_\_\_\_ transferring  
(Grantor, Grantee, Legal Representative, Corporate Officer, Officer of Title Co., Lending Institution, etc.)  
real property identified as Block number \_\_\_\_\_ Lot number \_\_\_\_\_ located at  
\_\_\_\_\_ and annexed thereto.  
(Street Address, Town)

(2) CONSIDERATION \$ \_\_\_\_\_ (See Instructions #1 and #5 on reverse side)

(3) Property transferred is Class 4A 4B \_\_\_\_\_ 4C. (circle one) If Class 4A, calculation in Section 3A is required.

(3A) REQUIRED CALCULATION OF EQUALIZED ASSESSED VALUATION FOR ALL CLASS 4A COMMERCIAL PROPERTY  
TRANSACTIONS: (See Instructions #5A and 7 on reverse side)  
Total Assessed Valuation ÷ Director's Ratio = Equalized Valuation

\$ \_\_\_\_\_ ÷ \_\_\_\_\_ % = \$ \_\_\_\_\_

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized value.

(4) FULL EXEMPTION FROM FEE (See Instruction #8 on reverse side)  
Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

(5) PARTIAL EXEMPTION FROM FEE (See Instruction #9 on reverse side)  
NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic Fee, Supplemental Fee, and General Purpose Fee, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004 and C. 66, P.L. 2004 for the following reason(s):

- A. SENIOR CITIZEN Grantor(s)  62 years of age or over.\* (See Instruction #9 on reverse side for A or B)
  - B. BLIND PERSON Grantor(s)  legally blind or; \*
  - DISABLED PERSON Grantor(s)  permanently and totally disabled  Receiving disability payments  Not gainfully employed\*
- Senior citizens, blind or disabled persons must also meet all of the following criteria.
- Owned and occupied by grantor(s) at time of sale.
  - Resident of the State of New Jersey.
  - One or two-family residential premises.
  - Owners as joint tenants must all qualify.

\*IN THE CASE OF HUSBAND AND WIFE/CIVIL UNION PARTNERS, ONLY ONE GRANTOR NEEDS TO QUALIFY IF OWNED AS TENANTS BY THE ENTIRETY.

- C. LOW AND MODERATE INCOME HOUSING (See Instruction #9 on reverse side)
  - Affordable according to H.U.D. standards.
  - Reserved for occupancy.
  - Meets income requirements of region.
  - Subject to resale controls.

(6) NEW CONSTRUCTION (See Instructions #2, #10 and #12 on reverse side)  
 Entirely new improvement.  Not previously occupied.  
 Not previously used for any purpose.  "NEW CONSTRUCTION" printed clearly at the top of the first page of the deed.

(7) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me  
this day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature of Deponent

\_\_\_\_\_  
Grantor Name

\_\_\_\_\_  
Deponent Address

\_\_\_\_\_  
Grantor Address at Time of Sale

\_\_\_\_\_  
Last 3 digits in Grantor's Social Security Number

\_\_\_\_\_  
Name/Company of Settlement Officer

FOR OFFICIAL USE ONLY	
Instrument Number	_____ County _____
Deed Number	_____ Book _____ Page _____
Deed Dated	_____ Date Recorded _____

County Recording Officers shall forward one copy of each Affidavit of Consideration for Use by Seller when Section 3A is completed.  
STATE OF NEW JERSEY - DIVISION OF TAXATION  
PO BOX 251  
TRENTON, NJ 08695-0251  
ATTENTION: REALTY TRANSFER FEE UNIT

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and may not be altered or amended without prior approval of the Director. For further information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at: [www.state.nj.us/treasury/taxation/lpt/localtax.htm](http://www.state.nj.us/treasury/taxation/lpt/localtax.htm).

INSTRUCTIONS FOR FILING FORM RTF-1, AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

1. STATEMENT OF CONSIDERATION AND REALTY TRANSFER FEE PAYMENT ARE PREREQUISITES FOR DEED RECORDING

No county recording officer shall record any deed evidencing transfer of title to real property unless (a) the consideration is recited in the deed, or (b) an Affidavit by one or more of the parties named in the deed or by their legal representatives declaring the consideration is annexed for recording with the deed, and (c) for conveyances and transfers of property for which the total consideration recited in the deed is not in excess of \$350,000, a fee is remitted at the rate of \$2.00/\$500 of consideration or fractional part thereof not in excess of \$150,000, \$3.35/\$500 of consideration or fractional part thereof in excess of \$150,000 but not in excess of \$200,000, and \$3.90/\$500 of consideration or fractional part thereof in excess of \$200,000. For transfers of property for which the total consideration recited in the deed is in excess of \$350,000, a fee is remitted at the rate of \$2.90/\$500 of consideration or fractional part not in excess of \$150,000; \$4.25/\$500 of consideration or fractional part thereof in excess of \$150,000 but not in excess of \$200,000; \$4.80/\$500 of consideration or fractional part thereof in excess of \$200,000; \$5.30/\$500 of consideration or fractional part thereof in excess of \$850,000 but not in excess of \$1,000,000, and \$6.05/\$500 of consideration or fractional part thereof in excess of \$1,000,000, which fee shall be paid in addition to the recording fees imposed by Chapter 123, P.L. 1965, Section 2 (C. 22A:4-4.1) as amended by Chapter 370, P.L. 2001, through Chapter 66, P.L. 2004, which fee shall be paid to the county recording officer at the time the deed is offered for recording/transfer. Of these fees, \$.75/\$500 of consideration or fractional part in excess of \$150,000 paid to the State Treasurer is credited to the Neighborhood Preservation Nonlapsing Revolving Fund.

2. WHEN AFFIDAVIT MUST BE ANNEXED TO DEED

This Affidavit must be annexed to and recorded with the deed when entire consideration is not recited in deed or the acknowledgement or proof of the execution, when the grantor claims a total or partial exemption from the fee. Class 4 property that includes commercial, industrial, or apartment property, and for transfers of "new construction". (See Instructions #10 and #12 below.)

3. LEGAL REPRESENTATIVE

"Legal representative" is to be interpreted broadly to include any person actively and responsibly participating in the transaction, such as, but not limited to: an attorney representing one of the parties; a closing officer of a title company or lending institution participating in the transaction; a holder of power of attorney from grantor or grantee.

4. OFFICER OF CORPORATE GRANTOR OR CORPORATE GRANTEE/OFFICER OF TITLE COMPANY OR LENDING INSTITUTION

Where a deponent is an officer of corporate grantor or grantee, state the name of corporation and officer's title or where a deponent is a closing officer of a title company or lending institution participating in the transaction, state the name of the company or institution and officer's title.

5. CONSIDERATION

"Consideration" means in the case of any deed, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements or other realty, including the remaining amount of any prior mortgage to which the transfer is subject or which is assumed and agreed to be paid by the grantee and any other lien or encumbrance not paid, satisfied or removed in connection with the transfer of title. (C. 49, P.L. 1968, Section 1, as amended.)

5A. CLASS 4A "COMMERCIAL PROPERTIES" DEFINED

Class 4A "Commercial properties" as defined in N.J.A.C. 18:12-2.2 means "any other type of income-producing property other than property classes 1, 2, 3A, 3B, and those properties included in classes 4B and 4C." A quarterly audit of all Class 4A sales submitted by the municipal assessor through the SR-1A/equalization process will determine whether a Class 4A transaction was recorded without proper documentation and he required Affidavits of Consideration.

6. DIRECTOR'S RATIO

"Director's Ratio" means the average ratio of assessed to true value of real property for each taxing district as determined by the Director, Division of Taxation, in the Table of Equalized Valuations promulgated annually on or before October 1 in each year pursuant to N.J.S.A. 54:1-35.1. The Table is used in the calculation and apportionment of distributions pursuant to the State School Aid Act of 1954.

7. EQUALIZED VALUE

"Equalized Value" means the assessed value of the property in the year that the transfer is made, divided by the Director's Ratio. The Table of Equalized Valuations is promulgated annually on or before October 1 in each year pursuant to N.J.S.A. 54:1-35.1.

(Example: Assessed value = \$1,000,000; Director's Ratio = 80%.  $\$1,000,000 \div .80 = \$1,250,000$ )

8. FULL EXEMPTION FROM THE REALTY TRANSFER FEE (GRANTOR/GRAZTEE)

The fee imposed by this Act shall not apply to a deed:

(a) For consideration of less than \$100; (b) By or to the United States of America, this State, or any instrumentality, agency or subdivision; (c) Solely in order to provide or release security for a debt or obligation; (d) Which confirms or corrects a deed previously recorded; (e) On a sale for delinquent taxes or assessments; (f) On partition; (g) By a receiver, trustee in bankruptcy or liquidation, or assignee for the benefit of creditors; (h) Eligible to be recorded as an "ancient deed" pursuant to R.S. 46:16-7; (i) Acknowledged or proved on or before July 3, 1968; (j) Between husband and wife/civil union partners, or parent and child; (k) Conveying a cemetery lot or plot; (l) In specific performance of a final judgment; (m) Releasing a right of reversion; (n) Previously recorded in another county and full Realty Transfer Fee paid or accounted for as evidenced by written instrument, attested to by the grantee and acknowledged by the county recording officer of the county of such prior recording, specifying the county, book, page, date of prior recording, and amount of Realty Transfer Fee previously paid; (o) By an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State; (p) Recorded within 90 days following the entry of a divorce decree which dissolves the marriage between the grantor and grantee; (q) Issued by a cooperative corporation, as part of a conversion of all of the assets of the cooperative corporation into a condominium, to a shareholder upon the surrender by the shareholder of all of the shareholder's stock in the cooperative corporation and the proprietary lease entitling the shareholder to exclusive occupancy of a portion of the property owned by the corporation.

9. PARTIAL EXEMPTION FROM THE REALTY TRANSFER FEE (C. 176, P.L. 1975; C. 113, P.L. 2003; C. 66 P.L. 2004)

The following transfers of title to real property shall be exempt from State portions of the Basic Fee, Supplemental Fee, and General Purpose Fee, as applicable: 1. The sale of any one or two-family residential premises which are owned and occupied by a senior citizen, blind person, or disabled person who is the seller in such transaction; provided, however, that except in the instance of a husband and wife no exemption shall be allowed if the property being sold is owned as joint tenants and one or more of the owners is not a senior citizen, blind person, or disabled person; 2. The sale of Low and Moderate Income Housing conforming to the requirements as established by this Act.

For the purposes of this Act, the following definitions shall apply:

"Blind person" means a person whose vision in his better eye with proper correction does not exceed 20/200 as measured by the Snellen chart or a person who has a field defect in his better eye with proper correction in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20°.

"Disabled person" means any resident of this State who is permanently and totally disabled, unable to engage in gainful employment, and receiving disability benefits or any other compensation under any federal or State law.

"Senior citizen" means any resident of this State of the age of 62 or over.

"Low and Moderate Income Housing" means any residential premises, or part thereof, affordable according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs occupied or reserved for occupancy by households with a gross income equal to 80% or less of the median gross household income for households of the same size within the housing region in which the housing is located, but shall include only those residential premises subject to resale controls pursuant to contractual guarantees.

"Resident of the State of New Jersey" means any claimant who is legally domiciled in this State when the transfer of the subject property is made. Domicile is what the claimant regards as the permanent home to which he intends to return after a period of absence. Proofs of domicile include a New Jersey voter registration, motor vehicle registration and driver's license, and resident tax return filing.

10. TRANSFERS OF NEW CONSTRUCTION

"New construction" means any conveyance or transfer of property upon which there is an entirely new improvement not previously occupied or used for any purpose. On transfers of new construction, the words "NEW CONSTRUCTION" shall be printed clearly at the top of the first page of the deed, and an Affidavit by the grantor stating that the transfer is of property upon which there is new construction shall be appended to the deed.

11. REALTY TRANSFER FEE IS A FEE IN ADDITION TO OTHER RECORDING FEES

The county recording officer is required to collect the Realty Transfer Fee at the time the deed is offered for recording/transfer.

12. PENALTY FOR WILLFUL FALSIFICATION OF CONSIDERATION AND TRANSFERS OF NEW CONSTRUCTION

Any person who knowingly falsifies the consideration recited in a deed or in the proof or acknowledgement of the execution of a deed or in an affidavit annexed to a deed declaring the consideration therefor or a declaration in an affidavit that a transfer is exempt from recording fee is guilty of a crime of the fourth degree (Chapter 308, P.L. 1991, effective June 1, 1992). Grantors conveying title of new construction who fail to subscribe and append to the deed an affidavit to that effect in accordance with the provisions of subsection c. of section 2 of Chapter 49, P.L. 1968(C 46:15-6) is guilty of a disorderly persons offense. The Division of Taxation is entitled to review the Fees collected pursuant to the State Uniform Procedure Law. The Director of the Division of Taxation is authorized to make deficiency assessments to taxpayers who have, intentionally or mistakenly, underestimated the consideration or sales price of properties on the Affidavit of Consideration attached to deeds and upon which the Realty Transfer Fee is based.

13. COUNTY MUNICIPAL CODES

County/Municipal codes may be found at <http://www.state.nj.us/treasury/taxation/pdf/lpt/cntycode.pdf>.

# Appendix F

**AFFIDAVIT OF CONSIDERATION FOR USE BY BUYER**

(Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006)

To be recorded with deed pursuant to Chapter 49, P.L. 1968, as amended by Chapter 308, P.L. 1991 (N.J.S.A. 46:15-5 et seq.)  
**BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM**

STATE OF NEW JERSEY

} SS. County Municipal Code

COUNTY \_\_\_\_\_

MUNICIPALITY \_\_\_\_\_

FOR RECORDER'S USE ONLY	
Consideration	\$ _____
RTF paid by buyer	\$ _____
Date	By _____

(1) **PARTY OR LEGAL REPRESENTATIVE** (See Instructions #3 and #4 on reverse side) XXX-XX-X  
Last 3 Digits in Grantee's Social Security Number

Deponent, \_\_\_\_\_, being duly sworn according to law upon his/her oath,  
(Name)

deposes and says that he/she is the \_\_\_\_\_ in a deed dated \_\_\_\_\_ transferring  
(Grantor, Grantee, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.)

real property identified as Block number \_\_\_\_\_ Lot number \_\_\_\_\_ located at  
\_\_\_\_\_ and annexed thereto.

(State Address, Town)

(2) **CONSIDERATION** \$ \_\_\_\_\_ (See Instructions #1 and #5 and #11 on reverse side)

Entire consideration is in excess of \$1,000,000:

**PROPERTY CLASSIFICATION CHECKED BELOW SHOULD BE TAKEN FROM THE OFFICIAL TAX LIST (A PUBLIC RECORD) OF THE MUNICIPALITY WHERE THE REAL PROPERTY IS LOCATED IN THE YEAR THAT THE TRANSFER IS MADE.**

(A) When Grantee is required to remit the 1% fee, complete below:

- |   |   |
|---|---|
| <input type="checkbox"/> Class 2 - Residential  | <input type="checkbox"/> Class 4A - Commercial Properties                             |
| <input type="checkbox"/> Class 3A - Farm Property (Regular) and any other real property transferred to same grantee in conjunction with transfer of Class 3A property | <input type="checkbox"/> Class 4C - Residential Cooperative Unit (4 families or less) |

(B) When Grantee is not required to remit the 1% fee, complete below:

- |  |   |    |    |    |
|--|---|----|----|----|
| <input type="checkbox"/> Property class. Circle applicable class(es):  | 1 | 4B | 4C | 15 |
| Property classes: 1- Vacant Land, 4B-Industrial properties, 4C-Apartments (other than cooperative unit), 15-Public Property  |   |    |    |    |
| <input type="checkbox"/> Exempt Organization pursuant to Federal Internal Revenue Code of 1986   |   |    |    |    |
| <input type="checkbox"/> Incidental to corporate merger or acquisition and equalized assessed valuation less than 20% of total value of all assets exchanged in merger or acquisition. (If checked, calculation in (C) below required and <b>MUST ATTACH COMPLETED RTF-4</b> ) |   |    |    |    |

(C) **REQUIRED CALCULATION OF EQUALIZED ASSESSED VALUATION FOR ALL CLASS 4A COMMERCIAL PROPERTY TRANSACTIONS** (See Instructions #6 and #7 on reverse side)

Total Assessed Valuation ÷ Director's Ratio = Equalized Valuation

\$ \_\_\_\_\_ ÷ \_\_\_\_\_% = \$ \_\_\_\_\_

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized value.

(3) **TOTAL EXEMPTION FROM FEE** (See Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

(4) Deponent makes affidavit of consideration for Use by Buyer to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

_____ Signature of Deponent	_____ Grantee Name
_____ Deponent Address	_____ Grantee Address at Time of Sale
	_____ Name/Company of Settlement Officer

FOR OFFICIAL USE ONLY	
Instrument Number _____	County _____
Deed Number _____	Book _____ Page _____
Deed Dated _____	Date Recorded _____

County Recording Officers shall forward one copy of each Affidavit of Consideration for Use by Buyer recorded with deeds to:  
**STATE OF NEW JERSEY - DIVISION OF TAXATION**

PO BOX 251

TRENTON, NJ 08695-0251

ATTENTION: REALTY TRANSFER FEE UNIT

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and it may not be altered or amended without prior approval of the Director. For further information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at

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

**1. CONSIDERATION STATEMENT AND REALTY TRANSFER FEE PAYMENT PREREQUISITES FOR DEED RECORDING**

No county recording officer shall record any deed evidencing transfer of title to real property unless (a) the consideration is recited in the deed, or (b) an Affidavit for Use by Buyer by one or more of the parties named in the deed or by their legal representatives declaring the consideration is annexed for recording with the deed, and (c) for conveyances and transfers of property for which the total consideration recited in the deed is not in excess of \$350,000, a fee is remitted at the rate of \$2.00/\$500 of consideration or fractional part thereof not in excess of \$150,000; \$3.35/\$500 of consideration or fractional part thereof in excess of \$150,000 but not in excess of \$200,000; and \$3.90/\$500 of consideration or fractional part thereof in excess of \$200,000. For transfers of property for which the total consideration recited in the deed is in excess of \$350,000, a fee is remitted at the rate of \$2.90/\$500 of consideration or fractional part not in excess of \$150,000; \$4.25/\$500 of consideration or fractional part thereof in excess of \$150,000 but not in excess of \$200,000; \$4.80/\$500 of consideration or fractional part thereof in excess of \$200,000 but not in excess of \$550,000; \$5.30/\$500 of consideration or fractional part thereof in excess of \$550,000 but not in excess of \$850,000; \$5.80/\$500 of consideration or fractional part thereof in excess of \$850,000 but not in excess of \$1,000,000; and \$6.05/\$500 of consideration or fractional part thereof in excess of \$1,000,000, which fee shall be paid in addition to the recording fees imposed by Chapter 123, P.L. 1965, Section 2 (C. 22AA-4.1) as amended by Chapter 370, P.L. 2001, through Chapter 66, P.L. 2004 and Chapter 19, P.L. 2005, which fee shall be paid to the county recording officer at the time the deed is offered for recording/transfer. Of these fees, \$.75/\$500 of consideration or fractional part in excess of \$150,000 paid to the State Treasurer is credited to the Neighborhood Preservation Nonlapsing Revolving Fund.

In addition to all other fees imposed under Chapter 49, P.L. 1968 (C. 46:15-5 et seq.) as amended through Chapter 33, P.L. 2006, a fee is imposed upon the grantee of a deed for the transfer of real property for consideration in excess of \$1,000,000:

- A. that is classified pursuant to the requirements of N.J.A.C. 18:12-2.2 as Class 2 "residential";
- B. that includes property classified pursuant to N.J.A.C. 18:12-2.2 as Class 3A: "farm property (regular)" but only if the property includes a building or structure intended or suited for residential use, and; any other real property, regardless of class, that is effectively transferred to the same grantee in conjunction with farm property as described above; or
- C. that is a cooperative unit as defined in section 3 of P.L. 1987, c. 381 (C. 46:8D-3).
- D. that is classified pursuant to the requirements of N.J.A.C. 18:12-2.2 as Class 4A "commercial properties," meaning any type of income-producing properties other than properties in Classes 1, 2, 3A, 3B and those properties in Class 4B and Class 4C as defined in N.J.A.C. 18:12-2.2 (f) and (g).

The 1% fee is not imposed on an organization determined by the federal Internal Revenue Service to be exempt from federal income taxation pursuant to paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 501 that is the grantee in a deed for consideration in excess of \$1,000,000. The 1% fee shall also not apply to a deed if the real property transfer is incidental to a corporate merger or acquisition and the equalized assessed value of the real property transferred is less than 20% of the total value of all assets exchanged in the merger or acquisition.

**2. WHEN AFFIDAVIT OF CONSIDERATION FOR USE BY BUYER MUST BE ANNEXED TO DEED**

Recorded with the deed when the entire consideration is in excess of \$1,000,000 or the equalized value of the Class 4A property in excess of \$1,000,000; however, the Realty Transfer Fee is calculated on the consideration amount recited in the deed.

- When grantee claims an exemption from payment of the fee;
- When the entire consideration is not recited in the deed or the acknowledgement or proof of the execution.

Exemptions from the Realty Transfer Fee are found in N.J.S.A. 46:15-10.

**3. LEGAL REPRESENTATIVE**

"Legal representative" is to be interpreted broadly to include any person actively and responsibly participating in the transaction, such as, but not limited to: an attorney representing one of the parties; a closing officer of a title company or lending institution participating in the transaction; a holder of power of attorney from grantor or grantee.

**4. OFFICER OF CORPORATE GRANTOR OR CORPORATE GRANTEE/OFFICER OF TITLE COMPANY OR LENDING INSTITUTION**

Where a deponent is an officer of corporate grantor or grantee, state the name of corporation and officer's title or where a deponent is a closing officer of a title company or lending institution participating in the transaction, state the name of the company or institution and officer's title.

**5. CONSIDERATION**

"Consideration" means in the case of any deed, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements or other realty, including the remaining amount of any prior mortgage to which the transfer is subject or which is assumed and agreed to be paid by the grantee and any other lien or encumbrance not paid, satisfied or removed in connection with the transfer of title.

**6. DIRECTOR'S RATIO**

"Director's Ratio" means the average ratio of assessed to true value of real property for each taxing district as determined by the Director, Division of Taxation, in the Table of Equalized Valuations promulgated annually on or before October 1 in each year pursuant to N.J.S.A. 54:135.1. The Table is used in the calculation and apportionment of distributions pursuant to the State School Aid Act of 1954.

**7. EQUALIZED VALUE**

"Equalized Value" means the assessed value of the property in the year that the transfer is made, divided by the Director's Ratio. The Table of Equalized Valuations is promulgated annually on or before October 1 in each year pursuant to N.J.S.A. 54:1-35.1. Example: Assessed value = \$1,000,000; Director's Ratio = 80%.  $\$1,000,000 \div .80 = \$1,250,000$ . If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value, if Director's Ratio is in excess of 100% the assessed value will be equal to the equalized value.

**8. TOTAL EXEMPTION FROM THE REALTY TRANSFER FEE (GRANTOR/GRAZTEE) The fee imposed by this Act shall not apply to a deed:**

(a) For consideration of less than \$100; (b) By or to the United States of America, this State, or any instrumentality, agency or subdivision; (c) Solely in order to provide or release security for a debt or obligation; (d) Which confirms or corrects a deed previously recorded; (e) On a sale for delinquent taxes or assessments; (f) On partition; (g) By a receiver, trustee in bankruptcy or liquidation, or assignee for the benefit of creditors; (h) Eligible to be recorded as an "ancient deed" pursuant to R.S. 46:16-7; (i) Acknowledged or proved on or before July 3, 1968; (j) Between husband and wife/civil union partners, or parent and child; (k) Conveying a cemetery lot or plot; (l) In specific performance of a final judgment; (m) Releasing a right of reversion; (n) Previously recorded in another county and full Realty Transfer Fee paid or accounted for as evidenced by written instrument, attested to by the grantee and acknowledged by the county recording officer of the county of such prior recording, specifying the county, book, page, date of prior recording, and amount of Realty Transfer Fee previously paid; (o) By an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State; (p) Recorded within 90 days following the entry of a divorce decree which dissolves the marriage between the grantor and grantee; (q) Issued by a cooperative corporation, as part of a conversion of all of the assets of the cooperative corporation into a condominium, to a shareholder upon the surrender by the shareholder of all of the shareholder's stock in the cooperative corporation and the proprietary lease entitling the shareholder to exclusive occupancy of a portion of the property owned by the corporation.

**9. REALTY TRANSFER FEE IS A FEE IN ADDITION TO OTHER RECORDING FEES**

The county recording officer is required to collect the Realty Transfer Fee at the time the deed is offered for recording/transfer.

**10. AFFIDAVITS OF CONSIDERATION FOR USE BY BUYER FORWARDED TO DIRECTOR, DIVISION OF TAXATION**

The county recording officers shall forward one copy of each Affidavit of Consideration for Use by Buyer filed and recorded with deeds to the Director of the Division of Taxation on the tenth day of the month next following the month of the filing of the deed.

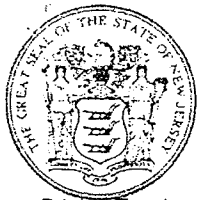
**11. PENALTY FOR WILLFUL FALSIFICATION OF CONSIDERATION AND TRANSFERS OF NEW CONSTRUCTION**

Any person who knowingly falsifies the consideration recited in a deed or in the proof or acknowledgement of the execution of a deed or in an affidavit annexed to a deed declaring the consideration therefor or a declaration in an affidavit that a transfer is exempt from recording fee is guilty of a crime of the fourth degree (Chapter 308, P.L. 1991, effective June 1, 1992). The Division of Taxation is entitled to review the Fees collected pursuant to the State Uniform Procedure Law. The Director of the Division of Taxation is authorized to make deficiency assessments to taxpayers who have, intentionally or mistakenly, underestimated the consideration or sales price of properties on the Affidavit of Consideration for Use by Buyer attached to deeds and upon which the Realty Transfer Fee is based.

**12. COUNTY/MUNICIPAL CODES**

County/Municipal codes may be found at <http://www.state.nj.us/treasury/taxation/pdf/lpt/cntycode.pdf>.

# Appendix G



State of New Jersey  
**SELLER'S RESIDENCY CERTIFICATION/EXEMPTION**  
(C.55, P.L. 2004)

(Please Print or Type)

**SELLER(S) INFORMATION (See Instructions, Page 2)**

Name(s): \_\_\_\_\_

Current Resident Address: \_\_\_\_\_

Street: \_\_\_\_\_

City, Town, Post Office: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**PROPERTY INFORMATION (Brief Property Description)**

Block(s): \_\_\_\_\_ Lot(s): \_\_\_\_\_ Qualifier: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, Town, Post Office: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Seller's Percentage of Ownership: \_\_\_\_\_ Consideration: \_\_\_\_\_ Closing Date: \_\_\_\_\_

**SELLER ASSURANCES (Check the Appropriate Box)**

1.  I am a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2.  The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 121.
3.  I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4.  Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5.  Seller is not individual, estate or trust and as such not required to make an estimated payment pursuant to N.J.S.A. 54A:1-1 et seq.
6.  The total consideration for the property is \$1,000 or less and as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
7.  The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale.
8.  Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the interstate laws of this state.

**SELLER(S) DECLARATION**

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature  
(Seller) Please indicate if Power of Attorney or Attorney-in-Fact

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature  
(Seller) Please indicate if Power of Attorney or Attorney-in-Fact

## Seller's Residency Certification/Exemption Instructions

This form is to be completed by individuals, estates, trusts or any other entity selling or transferring property in New Jersey not subject to the Gross Income Tax estimated payment requirements under C55, P.L. 2004.

- Name(s): Name of seller(s). If more than one owner separate forms must be used except for husband & wife/civil union couples that file their income tax returns jointly.
- Address: Seller(s) primary residence or place of business. Do not use the address of the property being sold. Unless a new residence (permanent place of abode, domicile) has been established in New Jersey and said new residence is listed under seller(s) information, the seller(s) is considered a nonresident. Part-year residents will be considered nonresidents.
- Nonresident seller(s) will be required to make an estimated Gross Income Tax payment if they do meet any of the seller(s) assurances
- Property Information: Information as listed on deed of property being sold.
- Percentage of Ownership: If there is more than one owner list sellers % of ownership.
- Consideration: "Consideration" means in the case of any deed, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements or other realty, including the remaining amount of any prior mortgage to which the transfer is subject or which is assumed and agreed to be paid by the grantee and any other lien or encumbrance not paid, satisfied or removed in connection with the transfer of title. If there is more than one owner, indicate seller's portion of total consideration received. If the total consideration for the property is \$1,000 or less complete the Seller's Residency Certification/Exemption form GIT/REP-3 and check box 6 under Seller's Assurances.
- Seller Assurances: If you meet one of the eight criteria listed, you are not required to make a tax payment at this time. Check which box is appropriate to your situation.
- Persons claiming an exemption under block #2 must be claiming an income/gain exclusion on their federal return for the property being sold within the meaning of §.121 of the Internal Revenue Code of 1986.
- Signature: Seller(s) must sign and date the declaration. If the seller's representative is signing the declaration, a copy of the power of attorney form or letter signed by the seller granting this authority must be attached.

All information requested on this form must be completed. Failure to complete the form in its entirety will result in the deed not being recorded.

This form must be completed at the time of closing and given to the buyer or the buyer's attorney.

The buyer or buyer's attorney must submit the original Seller's Residency Certification/Exemption (GIT/REP-3) to the county clerk at the time of recording the deed. Failure to submit the Seller's Residency Certification/Exemption (GIT/REP-3) or Nonresident Seller's Tax Declaration (GIT/REP-1) or a Nonresident Seller's Tax Prepayment Receipt (GIT/REP-2) will result in the deed not being recorded.

The county clerk will attach this form to the deed when recording the deed.

Additional information regarding the Gross Income Tax estimated payment requirements on the sale of real estate can be found on the Division of Taxation's web page at [www.state.nj.us/treasury/taxation](http://www.state.nj.us/treasury/taxation).

# Appendix H



## Tax Declaration Instructions

to be completed by nonresident individuals, estates or trusts selling property in New Jersey on or after August 1,

Name of seller(s). If more than one owner, separate forms must be used, except for Husband & Wife that file jointly.

**Address:** Seller(s) primary residence or place of business. Do not use the address of the property being sold.

**Property Information:** Information as listed on deed of property being sold.

**Percentage of Ownership:** If there is more than one owner, list seller's % of ownership.

**Consideration:** "Consideration" means in the case of any deed, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements or other realty, including the remaining amount of any prior mortgage to which the transfer is subject or which is assumed and agreed to be paid by the grantee and any other lien or encumbrance not paid, satisfied or removed in connection with the transfer of title. If there is more than one owner, indicate seller's portion of total consideration received. If the total consideration for the property is \$1,000 or less, complete the Seller's Residency Certification/Exemption form GIT/REP-3 and check box 6 under Seller's Assurances. Sellers involved in an IRC§. 1031 tax free exchange or some other qualified tax free exchange must use the current fair market value of the property received as the consideration.

**Signature:** Seller(s) must sign and date the declaration. If the seller's representative is signing the declaration, a copy of the power of attorney form or letter signed by the seller granting this authority must be attached.

The NJ-1040-ES must be completed in its entirety. The seller must include their social security number or federal tax identification number.

Payment in the form of check or money order should be made payable to the State of New Jersey - Division of Taxation. Cash is not acceptable. Tax payment is determined by multiplying the gain on the sale of the property by the highest Gross Income Tax rate of 8.97%. Gain is to be determined without taking into consideration any distributions during the taxable year to beneficiaries by estates or trusts. In no case can the payment be less than 2% of the consideration received.

All information requested on this form must be completed. Failure to complete the form in its entirety will result in the deed not being recorded.

This form and associated payment must be completed at the time of closing and given to the buyer or the buyer's attorney.

The buyer or buyer's attorney must submit the original Seller's Declaration of Tax to the county clerk at the time of recording the deed. Failure to submit the Seller's Declaration of Tax or the Seller's Residency Certification or a Tax Prepayment Receipt will result in the deed not being recorded.

The county clerk will attach the top portion of the form to the deed when recorded. The bottom portion, NJ-1040-ES, along with remittance will be forwarded to the State of New Jersey, Revenue Processing Center, P.O. Box 222, Trenton, New Jersey 08646-0222.

Additional information regarding the Gross Income Tax estimated payment requirements on the sale of real estate can be found on the Division of Taxation's web page at [www.state.nj.us/treasury/taxation](http://www.state.nj.us/treasury/taxation).