



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF TAXATION
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RICHARD J. CODEY
Acting Governor

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MEMORANDUM

To: County Clerks/Recording Officers
Attorneys and Title Officers

From: Nicholas Catalano, Chief
Regulatory Services Branch

Subject: Situations where a GIT/REP-1, 2, 3 or 4 will no longer be required to be filed with the deed under Chapter 55, Laws of 2004

Date: December 23, 2004

P.L. 2004, C. 55, requires that on or after August 1, 2004, nonresident individuals, estates or trusts that sell or transfer real property in New Jersey make an estimated gross income tax payment on the gain from a transfer/sale of real property as a condition of the recording of the deed.

It was previously determined that there were transactions where because of the unique fact situations involved, the GIT/REP-1, -2 or -3 form need be filed. In such circumstances, the Division had decided to issue a GIT/REP-4 form with the raised seal of the Division which the county recording officer would then accept with the deed for recording. By way of example, the GIT/REP-4 was to be issued in, but not limited to, the situations involving corrective or confirmatory deeds which need to be recorded due to a typographical, clerical, property description or other scrivener error and the original deed conveyance occurred prior to August 1, 2004. Based on the experience of the Division in dealing with this limited situation, it has now been decided that where a grantee seeks to record or re-record, as the case may be, a deed, regardless of the date of original conveyance, solely due to typographical, clerical, property description or other scrivener error or omission and there is no consideration for the corrective or confirmatory deed, the grantee will complete, date and sign a new form designated GIT/REP-4A and the county recording officer will accept the form for recording along with such deed. The recording officer may also, however, continue to accept the GIT/REP-4 form with the Division's raised seal in lieu of the GIT/REP-4A.

Questions on Chapter 55 and the new Gross Income Tax estimated payment requirements should be directed to Division of Taxation, Customer Service Center (609) 292-6400.