

[First Reprint]

ASSEMBLY, No. 5289

STATE OF NEW JERSEY
222nd LEGISLATURE

INTRODUCED JUNE 18, 2026

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SYNOPSIS

Establishes certain protections against deed theft.

CURRENT VERSION OF TEXT

As reported by the Assembly Housing Committee on October 5, 2026, with amendments.



(Sponsorship Updated As Of: 10/5/2026)

1 AN ACT concerning deed theft, amending N.J.S.2A:15-6, and
2 supplementing Title 46 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. (New section)a. (1) A federal, State, or local government
8 entity may move for a stay of any proceeding to recover possession
9 of or quiet title to real property relating to a residential dwelling
10 unit or property, based on a pending good faith investigation into
11 the theft or fraud in the title to, or the financing of, the premises
12 that is the subject of the proceeding. Upon the agency's showing of
13 the pendency of a good faith investigation, the court shall issue a
14 stay of the proceeding, including staying execution of a warrant of
15 eviction or enforcement of a judgment so long as the investigation
16 is ongoing.

17 (2) Every six months, the court shall schedule a status
18 conference with the government agency and any other parties to the
19 action to review any stay and to determine if the investigation is
20 still continuing in good faith and shall continue the stay of the
21 proceeding until the government investigation is closed. A court
22 may, in its discretion, review any supporting documents filed by the
23 government entity in camera and to be filed under seal if deemed
24 necessary by the government entity.

25 b. The court shall stay all proceedings:

26 (1) to recover possession of or quiet title to real property
27 relating to a residential dwelling unit or property, where a criminal
28 complaint is filed against a party to the proceeding for deed theft,
29 larceny, offering a false document for filing, criminal possession of
30 stolen property or any other law asserting theft or fraud in obtaining
31 title to property and the criminal complaint relates to the premises
32 that is the subject of the proceeding. The stay shall remain in effect
33 until resolution of the criminal action;

34 (2) to recover possession of or quiet title to real property
35 relating to a residential dwelling unit or property, where a federal,
36 state or local government entity has commenced a civil action or
37 proceeding relating to the theft or fraud in the title to, or the
38 financing of, the premises that is the subject of the proceeding; and

39 (3) relating to any landlord-tenant action before the Superior
40 Court of New Jersey, Law Division, Special Civil Part, or before
41 the Superior Court of New Jersey, Law Division, if the action was
42 removed to the Law Division pursuant to N.J.S.2A:18-60 for 90
43 days to allow a party to file a complaint in the appropriate forum
44 when the court makes a determination that there is a bona fide

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHO committee amendments adopted October 5, 2026.

1 dispute between parties purporting to own the property that is the
2 subject of the proceeding.

3 c. A rebuttable presumption that a bona fide dispute to title
4 exists shall be created when the party disputing petitioner's title,
5 owns or owned the property that is the subject of the court
6 proceeding during the last three years, or is a person interested in
7 the property.

8 d. A party may seek an additional stay of the proceeding
9 beyond the initial 90 day stay by the court if the party was unable to
10 file a complaint or seek a stay from another forum. In extending the
11 stay, the court shall consider, without limitation, the totality of the
12 circumstances including steps the parties have taken to resolve the
13 dispute, the harm to the parties of a further stay, and the ability of
14 the parties to advocate for themselves or retain counsel.

15 e. This section shall not apply to any proceeding commenced
16 against a person in possession who has entered the property or
17 remains in possession by force or unlawful means and the person or
18 the person's predecessor in interest was not in quiet possession for
19 three years before the time of the forcible or unlawful entry or
20 detainer and the petitioner was peaceably in actual possession at the
21 time of the forcible or unlawful entry or in constructive possession
22 at the time of the forcible or unlawful detainer.

23 f. Nothing in this section shall diminish the court's own
24 discretion to further stay a proceeding in the interests of justice.

25 g. Nothing in this section shall limit a party from seeking
26 relief, including a stay of a proceeding, in another court.

27 h. For the purposes of this section, a proceeding to recover
28 possession of or quiet title to real property shall include an
29 ejectment action or a writ of possession, a foreclosure action, an
30 action to enforce a mortgage note, or any other action affecting title
31 to or encumbrance upon real property, or any other judicial or
32 administrative proceeding to recover possession of or quiet title to
33 real property.

34 i. As used in this section:

35 "Party" means a corporation, limited liability company,
36 partnership or other entity:

37 (1) where a criminal complaint has been filed against an
38 individual who has a financial or controlling interest in the entity
39 that holds title to the property; or

40 (2) where a criminal complaint has been filed against a seller of
41 the property, including an individual or corporation, limited liability
42 company, partnership or other entity, or where a criminal complaint
43 has been filed against an individual who has a financial or
44 controlling interest in the entity that sold the property.

45 "Person interested in the property" shall mean a person entitled
46 or allegedly entitled to share as beneficiary in the estate concerning
47 the premises that is the subject of the proceeding, or trustee in
48 bankruptcy, or the receiver of such a person.

1 2. (New section) a. Where a person has been convicted of a
2 criminal offense in connection with a deed theft or fraudulent
3 transaction involving real property, the conviction shall create a
4 rebuttable presumption that the deed transfer was fraudulent.

5 b. This section shall also apply where a grantee of a fraudulent
6 deed is an entity that is beneficially owned by the convicted person.
7 A defendant may produce proof to establish by a preponderance of
8 the evidence that the deed was not procured through fraud.

9 c. As used in this section, “person” means an individual,
10 proprietorship, partnership, corporation, association, or other legal
11 entity.

12
13 3. (New section) P.L. , c. (C.) (pending before the
14 Legislature as this bill) shall not in any manner affect or impair the
15 title of a purchaser or encumbrancer for a valuable consideration,
16 unless it appears that the purchaser or encumbrancer had previous
17 notice, whether actual or constructive, of the fraudulent intent of the
18 immediate grantor, or of the fraud rendering void the title of that
19 grantor. There shall be a rebuttable presumption that a purchaser or
20 encumbrancer had notice of fraud or fraudulent intent in the case of
21 a transfer of mortgaged real property, between a purchaser and
22 seller who are not associated parties, that is not accompanied by the
23 recording with the county recoding officer of the county or with the
24 commissioner of deeds in which the property is located, of a
25 statement, executed by the mortgagee, and duly acknowledged,
26 stating, substantially, that:

27 a. a party is assuming the seller’s indebtedness secured by the
28 mortgage; or

29 b. the indebtedness secured by the mortgage has been satisfied.

30 As used in this section, “associated parties” means spouses, ex-
31 spouses, parents and children, siblings, a homeowner and that
32 homeowner’s family trust, or a homeowner and that homeowner’s
33 wholly-owned limited liability company.

34
35 4. (New section) a. When a defendant has been convicted after a
36 trial or pled guilty to any crime that affects the title to, encumbrance
37 of, or possession of, real property and where there is an instrument that
38 is material to the encumbrance, transfer, or purchase of the real
39 property, the Attorney General or any law enforcement agency may
40 file ¹**‘[a motion] an action to quiet title or an action under the**
41 **“Uniform Voidable Transactions Act,” R.S.25:2-20 et seq.**¹ in ¹**‘the’**
42 Superior Court in the county where the property that is the subject of
43 the instrument is located or the prosecution occurred, on behalf of the
44 victim to void the instrument. ¹**‘[A motion] An action filed’** pursuant
45 to this section shall be in writing and state the county, block, lot, and
46 street address of the property and include a description of the property,
47 and a copy of the judgment of conviction.

1 b. Within 10 days after filing ¹‘[a motion] an action’¹ pursuant to
2 this section, the agency filing the ¹‘[motion] action’¹ shall record a
3 copy of the notice of the ¹‘[motion] action’¹ in the office of the county
4 recording officer of the county in which the property is situated.

5 c. The Superior Court shall conduct a hearing and make findings
6 of essential to the determination whether to declare the instrument
7 void. There will be a rebuttable presumption that where a party is
8 convicted after a trial or a guilty plea to any crime that affects the title
9 to, encumbrance of, or possession of, real property and where there is
10 an instrument that encumbers or is material to the transfer or sale of
11 real property, that the instrument is void.

12 d. Upon the defendant’s conviction or guilty plea, and after
13 conducting a hearing pursuant to this section, a court shall make a
14 determination, and if appropriate, shall order that the instrument be
15 declared void or grant other appropriate relief to the victim. The order
16 of the court shall describe the nature of the false statement or false
17 information contained in the instrument. A copy of the instrument
18 shall be attached to the order of the court.

19 e. If the order relates to an instrument that has been filed with,
20 registered, or recorded in a public office, a certified copy of the order
21 shall be recorded in the office of the county recording officer of the
22 county in which the property is situated.

23 f. As used in this section, “all persons who have an interest in the
24 property affected by such instrument” means all parties who have
25 recorded an instrument affecting the real property that is the subject of
26 the instrument described in this section, any last record owner and
27 anyone in residence during the pendency of the prosecution and any
28 party with a lien against the property that is unsatisfied, or any other
29 party that may claim to have liens or an interest in the property, and
30 any current residents of the property, as of the date of the filing of the
31 criminal information or indictment.

32 g. Nothing in this section shall be deemed to inhibit or prevent
33 relief otherwise provided by law, or a party’s right to appeal an order
34 issued pursuant to this section.

35
36 5. N.J.S.2A:15-6 is amended to read as follows:

37 2A:15-6. a. In every action, instituted in any court of this State
38 having civil jurisdiction or in the United States District Court for
39 the District of New Jersey, the object of which is to enforce a lien
40 upon real estate or to affect the title to real estate or a lien or
41 encumbrance thereon, plaintiff or his attorney shall, after the filing
42 of the complaint, file in the office of the county clerk or register of
43 deeds and mortgages, as the case may be, of the county in which the
44 affected real estate is situate, a written notice of the pendency of the
45 action, which shall set forth the title and the general object thereof,
46 with a description of the affected real estate. The pendency of an
47 action pursuant to this subsection is constructive notice, from the
48 time of filing of the notice, to a purchaser from, or encumbrancer

1 against, any defendant named in a notice of pendency indexed in a
2 block index against a block in which property affected is situated or
3 any defendant against whose name a notice of pendency is indexed.
4 A person whose conveyance or encumbrance is recorded after the
5 filing of the notice is bound by all proceedings taken in the action
6 after the filing to the same extent as a party.

7 b. No notice of lis pendens shall be filed under this article in an
8 action to recover a judgment for money or damages only.

9 c. Notwithstanding any provision of subsection a. of this
10 section to the contrary, a notice of pendency may be filed by a
11 district attorney or the Attorney General upon a determination after
12 investigation that there is probable cause that a crime has occurred
13 that affects the title to, encumbrance of, or possession of real
14 property, in the county where the real property is located. A notice
15 of pendency filed pursuant to this subsection shall remain in effect
16 for a period of six months but may be renewed twice.

17 d. Notwithstanding any provision of subsection a. of this
18 section to the contrary, a notice of pendency may be filed by a
19 district attorney or the Attorney General upon the filing of a
20 criminal complaint or indictment that allege charges affecting the
21 title to, encumbrance of or possession of real property, in the county
22 where the real property is located. A notice of pendency filed
23 pursuant to this subsection will remain in effect until the
24 prosecution of a criminal case is either dismissed, or otherwise
25 disposed of at sentencing.

26 (cf: P.L.1993, c.318, s.39)

27

28 6. This act shall take effect on the first day of the seventh
29 month next following the date of enactment.