



JAMES E. McGREEVEY  
GOVERNOR

STATE OF NEW JERSEY  
DEPARTMENT OF THE TREASURY  
DIVISION OF TAXATION  
PO BOX 288  
TRENTON, N.J. 08695-0288

JOHN E. McCORMAC, CPA  
STATE TREASURER

## MEMORANDUM

To: County Clerks/Recording Officers  
Attorneys and Title Officers

From: Robert K. Thompson, Director  
Division of Taxation

Subject: Waiver Of Seller's Filing Requirement Of GIT/REP Forms  
And Payment, Chapter 55, Laws of 2004

Date: November 5, 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.

There are, however, transactions where because of the unique fact situations involved, the Division has determined that no GIT/REP-1, -2 or -3 form need be filed. In such circumstances, the Division will issue a GIT/REP-4 form with the **raised seal** of the Division. The county recording officer is to accept this form with the deed for recording. By way of example, the GIT/REP-4 will be issued in, but not limited to, the following situations:

1. 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.
2. The title owner did not record the deed prior to October 1, 2004, where the deed conveyance occurred prior to August 1, 2004, and the seller is deceased or cannot be located.
3. The seller is a N.J. resident who is selling real property because his/her employer is relocating him/her elsewhere in N.J. However, the employer retains an out of state relocation company which temporarily takes nominal title in trust but has no gain on the sale to the ultimate buyer at the closing when title passes to the buyer.

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.