

Affidavit of Title re: Improvements

Q What should be inserted in the first blank in paragraph 4 of the standard Affidavit of title?

A Paragraph 4 of the “standard” Affidavit of Title addresses improvements to the property. Its first sentence reads:

4. **Improvements.** No additions, alterations or improvements are now being made or have been made to this property since _____.

Many practitioners insert the phrase “4 months last past” into this blank on the assumption that it refers to the now repealed statutory time frame within which a claimant wishing to file and enforce a mechanics lien must act. This is not correct, however. This phrase refers to the “look back” period during which municipalities may add assessments for improvements to the property under NJSA 54:4-63.1 et seq. Under this statute, an added assessment is retroactive to the time construction of the improvement is complete.

Thus, the best practice is for the affiant to fill in the approximate date improvements, alterations or additions were made to the property. If the property has not been improved, altered or added to by the present owner, they may certainly state “none”.

If this section of the Affidavit of Title indicates that improvements were made within the “look back” period, the added assessment exception should not be removed until it is confirmed with the tax assessor that no such added assessment is forthcoming.