OFFICE OF THE NASSAU COUNTY CLERK 2012 ANNUAL REPORT



MAUREEN O'CONNELL, RN, JD NASSAU COUNTY CLERK



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Dear Fellow Residents:

I am pleased to provide the Annual Report of the Nassau County Clerk's Office for fiscal year 2012.

Created by the New York State Constitution, the Nassau County Clerk's Office acts as agent for the state and is part of the New York State Unified Court System serving as the Clerk of Supreme and County Courts. The office has unique duties dictated by legal statutes pertaining to processing and indexing all real property ownership records dating back to 1899, as well as filing and maintaining court records. Every record must be reviewed for statutory compliance and is required to be retained in perpetuity. In addition, the County Clerk is responsible for safeguarding vital historic records of the County including the storage and retrieval of records belonging to many county departments.

While one of the most public offices in Nassau County government, the matters handled by the Clerk's Office are of a personal nature to the hundreds of residents who utilize our services daily. My dedicated staff assists residents, legal professionals, other governmental agencies, court staff and the judiciary with numerous services including: court filings, name change orders, small claims assessment review petitions (SCAR), deeds, mortgages, mortgage satisfactions, real property maps, judgments and liens, business certificates, notary public requests, passports, and veteran's discharge filings. Accordingly, the County Clerk exercises a non-delegable fiduciary duty as collection agent for the funds generated by these services on behalf of other taxing jurisdictions, including New York State and the Unified Court System.

Over 550,000 transactions were filed equating to more than 2,100 transactions processed on the public's behalf each business day. 2012 also saw continued expansion of electronic filing interfaces, creating greater efficiencies and streamlined services.

The Clerk's Office provides real time recording of documents. In addition, an ongoing goal of the Clerk's Office is to preserve older records maintained on dated media by converting them to a singular electronic format. The ongoing objectives of the Clerk's Office include the implementation of new technology, responsive constituent services, operational efficiency, and personal privacy protection.

Through the assistance of numerous grants awarded to the Clerk's Office by the New York State Department of Education State Archives, improvements continue to be made throughout the office to better serve the public and accommodate the continually increasing volume of archived records.

During my tenure as County Clerk, I consistently perform my prescribed Constitutional, fiduciary and statutory obligations to the residents of Nassau County and New York State through the efficient allocation of the resources provided by the County. My office remains committed to providing the optimum level of service the residents of Nassau County deserve.

Very truly yours,

MAUREEN O'CONNELI

Nassau County Clerk

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FEES & TAXES

STATUTORY AUTHORITY

Fees and taxes collected by the Office of the County Clerk are remitted to various Federal, State and local municipalities as follows:

MORTGAGE TAX

In accordance with Article 11 of the New York State Tax Law assessed on mortgages for single and multi family dwellings, commercial property and vacant land through private lenders, natural persons or Federal Credit Unions.

REAL ESTATE TRANSFER TAX

In accordance with Article 31 of the New York State Tax Law assessed on conveyances of real property.

SUPREME AND COUNTY COURT FEES

In accordance with Article 12 of Nassau County Laws and Article 80 of the New York State Civil Practice Law (CPLR) for County Clerk services as Clerk of the Supreme and County Courts.

RECORD MANAGEMENT

In accordance with §8018 and §8021 of the New York State Civil Practice Law, Records Management Surcharge for document processing.

EQUALIZATION AND ASSESSMENT

In accordance with §333(3) and §574 of the New York State Real Property Law (RPL), assessed on each RP-5217 form filed with the Clerk's Office.

NOTARY LICENSING

In accordance with New York State Executive Law §131, for the processing of Notary Public Commissions.

SCOPE OF SERVICES PROVIDED

- Recording all deeds, mortgages, mortgage satisfactions and other real property related filings
- Filing and maintaining county land and subdivision maps
- Issuing civil case index numbers, requests for judicial intervention, notes of issue and jury demands
- Indexing all Supreme Court files and related documents
- Maintaining Supreme and County Court case files
- Processing name change applications
- Receiving and processing Notices of Appeal to the Appellate Division
- Processing Small Claims Assessment Review (SCAR) matters
- Processing Tax Certiorari cases
- Recording Powers of Attorney
- Indexing judgments, judgment dispositions and satisfactions
- Providing certificates of disposition of judgments
- Filing transcripts of judgments from other courts
- Indexing all liens, lien satisfactions and discharges
- Filing New York State warrants and federal tax liens
- Filing Broker Affidavit of Entitlement to Commission
- Registering and filing business names
- Notary Public licensing and renewals; maintaining signature cards of all notary publics qualified in Nassau County; authenticating notary signatures
- Maintaining Oaths of Office registry
- Recording and maintaining Veteran's Discharge (DD-214) documents
- Issuing Veteran's Peddlers licenses
- Passport Acceptance Agent
- Recording Uniform Commercial Code filings
- Recording Firefighter's Exemption Certificates
- Maintaining naturalization records from 1899 to 1997
- Conduct title, judgment and lien searches
- Providing certified copies of all filed and recorded documents
- Recording various documents for other municipalities and agencies

COUNTY CLERK DEPARTMENTS

ADMINISTRATION

The Administration is responsible for planning and directing all phases of the Clerk's Office operations. It processes and maintains all personnel and payroll records, prepares the budget, effectuates purchases and expenditures, provides public information, community outreach, constituent services and acts as liaison for intergovernmental affairs.

ACCOUNTING

The Accounting Department is responsible for all accounting operations, including daily reconciliation of all accounts and maintenance of general ledgers and journals. It is responsible for depositing and remitting all fees and taxes collected by the County Clerk. This department verifies that accurate mortgage tax is collected and remitted to the appropriate entity on every mortgage recorded in accordance with Tax Law, Article II, §§250-267. Court related filing fees, business and other filings fees are collected and remitted to the proper entities in accordance with applicable law.

COURT DOCUMENT ROOM

The County Clerk is the Clerk of the Supreme and County Courts and maintains all court files for civil and criminal matters including matrimonial files, tax certioraris and Criminal Court minutes received from attorneys, parties, courts, and process servers. The Clerk's Minutes, a listing of various documents filed by index number, is available on the public access database. The public is able to view on-site most Supreme Court documents. Court requisitions, subpoena responses, requests by mail, are also processed by this department.

COURT RECORDING

In accordance with the CPLR, this department indexes and maintains all court actions received from Supreme and County Courts. It also processes all subsequent pleadings and papers, including decisions, Judgments of Divorce, stipulations, orders, judgments, transfer orders, commissions to committee, and other court documents.

LAND RECORDING DEPARTMENT

This Department's operations are in compliance with numerous sections of the Real Property Law. Its functions include recording deeds, mortgages, mortgage assignments, mortgage satisfactions, easements, covenants, powers of attorneys, etc. This department also records liens, lis pendens, notices of violation, and real estate broker affidavits of entitlement to commission to be filed against real property. Recording fees and taxes are collected as required by law.

LAND RECORDS

The County Clerk is responsible for maintaining a Land Records registry, including the archival records of mortgages, deeds and maps dating back to 1899. Over the years, this registry was maintained in various media formats, and since 1992, on the Clerk's electronic database. Public access computer terminals allow access to the electronic database for searching and printing of land records. All media document a property's genealogy and all instruments are available for public viewing. This department is also responsible for maintaining real property subdivision and highway maps, which currently total in excess of 12,000 maps. As the Clerk's Office most publicly visited department, it handles hundreds of inquiries daily assisting residents, professionals, other county agencies and municipalities in locating documents.

LICENSING & RECEIVING

This department files judgments and several types of court documents including liens, separation agreements, Family Court Orders and Notices of Violations, lis pendens, confessions of judgment, and judgments of foreclosure. All judgments and liens are verified and quality controlled to ensure the accuracy of the public record.

- <u>Licensing</u> This division accepts for filing several federal, state and county licenses and certificates, records Certificates of Release or Discharges from Active Duty (DD-214), provides certified copies thereof, issues Veterans Peddler's Licenses, records Firefighter Exemption certificates, and maintains Naturalization records from 1899 to 1987.
- <u>Business Names</u> This division records and maintains all filings relative to business certificates, corporations, assumed business names (DBA), and religious corporations.
- <u>Notary</u> The Notary division handles notary renewals on behalf of New York State, maintains notary signature cards for every notary qualified in Nassau County and authenticates notary signatures. On-site notaries are also available to notarize signatures.
- <u>Passports</u> The County Clerk acts as an agent for the United States Passport Service and processes passports.

MICROGRAPHICS & IMAGING

Microfilms and digitizes paper records that become permanent instruments and part of Nassau County's history. The records include: land instruments, judgments, Uniform Commercial Code filings, Business Name filings and other Receiving Department documents.

RECORD MANAGEMENT CENTER

The Records Management Center for Nassau County is located in Westbury, and is under the purview of the County Clerk's Office. The department maintains millions of inactive Court files and county records from 54 county agencies. The goal of this Department is to provide a secure storage facility for County Government and Court records, while ensuring the timely retrieval of those records and proper disposal of records that reach the end of their legally prescribed retention period.

SUMMARY OF RECEIPTS & DISBURSEMENTS

FOR YEAR ENDING DECEMBER 31, 2012

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COUNTY FEES (SCHEDULE 1) NYS OFFICE OF COURT ADMINISTRATION FEES (SCHEDULE 1 & 2) STATE FEES (RECORD MANAGEMENT & NOTARY) (SCHEDULE 1) SURCHARGE FEES (SCHEDULE 1) REAL ESTATE TRANSFER TAX (RETT) (SCHEDULE 1) MORTGAGE TAX (SCHEDULE 1)	\$ 26,181,871 8,734,925 3,823,348 2,680,325 34,812,686 85,894,795	\$ 162,127,950
INTEREST EARNED (SCHEDULE 1)	33,229	33,229
TOTAL RECEIPTS	-	,
TOTAL RECEIPTS	=	\$ 162,161,179
DISBURSEMENTS		
NASSAU COUNTY TREASURER:		
LOCAL MORTGAGE TAX DISTRIBUTION (SCHEDULE 3 & 4) FEES & INTEREST (SCHEDULE 5)	\$ 41,831,682 26,584,016	
MORTGAGE TAX RECORDING ADMINISTRATIVE FEES & INTEREST (SCHEDULE 5)	1,364,377	
TOTAL TO NASSAU COUNTY TREASURER		\$ 69,780,075
NEW YORK STATE:		
NYS OFFICE OF COURT ADMINISTRATION (SCHEDULE 2)	\$ 8,734,925	
METROPOLITAN TRANSIT AUTHORITY - MORTGAGE TAX (SCHEDULE 3)	40,954,730	
STATE OF NEW YORK MORTGAGE AUTHORITY (SONYMA) - MORTGAGE TAX SCHEDULE 3)	1,568,860	
NEW YORK STATE TAX COMMISSION - REAL ESTATE TRANSFER TAX (RETT) (SCHEDULE 6)	34,797,881	
NEW YORK STATE TAX COMMISSION - EQUALIZATION & ASSESSMENT (SCHEDULE 7)	2,497,315	
NEW YORK STATE TAX COMMISSION - RECORD MANAGEMENT FUND (SCHEDULE 8)	880,712	
NEW YORK STATE TAX COMMISSION - CULTURAL EDUCATION FUND (SCHEDULE 8)	2,658,504	
NEW YORK STATE TAX COMMISSION - NOTARY DIVISION (SCHEDULE 1)	92,480	
Total to New York State		\$ 92,185,407
OTHER STATE ORDERED DISBURSEMENTS: MORTGAGE TAX APPORTIONMENTS TO OTHER COUNTIES MORTGAGE TAX OTHER REFUNDS MORTGAGE TAX ADJUSTMENTS OF YEAR END HOLDS FOR APPORTIONMENT	\$ 33,325 156,036 6,336	
TOTAL TO OTHER JURISDICTIONS & HOLDS	<u>-</u>	\$ 195,697
TOTAL DISBURSEMENTS	=	\$ 162,161,179

TOTAL RECEIPTS BY TYPE

Comissos 9 Ellinos	Number of	Nassau County	NYS	RETT	Surcharge	Court	Mortgage Tax	Total December
Services & Filings	Filings	Receipts	Receipts	Receipts	Receipts	Receipts	Receipts	Total Receipts
BUSINESS NAMES & CORPORATIONS	17,687	\$ 222,696						\$ 222,696
Court Filings	239,197	668,280	\$ 509,040			\$ 8,734,925		9,932,245
DEEDS—FEES& REALESTATE TRANSFERTAXES	21,320	2,566,280	424,360	\$ 34,812,688	\$ 2,680,325			40,483,651
JUDGMENTS	34,736	190,120						190,120
LIENS	45,605	275,891	2,440					278,331
Mortgages- Fees&Taxes	131,634	19,964,471	2,616,488				\$ 85,894,795	108,475,754
UNIFORM COMMERCIAL CODE	4,674	561,575						561,575
NOTARY LICENSES	11,560	102,681	92,480					195,161
SEARCHES & CERTIFICATIONS	11,664	113,423						113,423
DESK&LOCKER RENTAL	46	57,438						57,438
IMAGES & COPIES	18,658	164,457						164,457
MISCELLANEOUS FEES	16,173	1,231,104	178,540					1,409,644
OTHER RECEIPTS	3,338	43,455						43,455
NET RECEIPTS	-	26,181,871	3,730,868	34,812,686	2,680,325	8,734,925	85,894,795	162,127,950
INTEREST EARNED		7,897	804	3,977			20,551	33,229
TOTAL RECEIPTS	556,292	\$26,189,768	\$3,731,672	\$34,816,663	\$2,680,325	\$8,734,925	\$85,915,346	\$162,161,179

NEW YORK STATE OFFICE OF COURT ADMINISTRATION

FOR YEAR ENDING DECEMBER 31, 2012 SCHEDULE 2

INDEX NUMBERS:

CIVIL	\$	2,898,900
MATRIMONIAL		545,285
TAX CERTIORARIS		755,535
Notes of Issue		297,480
JURY DEMAND		194,025
REQUEST FOR JUDICIAL INTERVENTION (RJI)		1,773,460
NOTICE OF APPEAL		94,770
Motions		821,070
STIPULATIONS OF SETTLEMENT OR VOLUNTARY DISCONTINUANCE		366,310
ASSESSMENT REVIEW PETITIONS (SCAR)		256,625
DEFAULT JUDGMENTS		63,045
Foreclosures		668,420
Total	<u> </u>	8,734,9 <u>25</u>

MORTGAGE TAX DISTRIBUTION

	Total Fees Disbursed*	Remitted to Nassau County Treasurer	Remitted to NYS MTA	Remitted to SONYMA
JANUARY	\$ 5,805,325	\$ 2,874,838	\$ 2,776,166	\$ 154,321
FEBRUARY	5,994,505	2,974,868	2,920,577	99,060
March	6,078,251	3,060,598	2,944,096	73,557
APRIL	5,664,393	2,817,149	2,742,137	105,107
MAY	7,694,863	3,830,516	3,677,166	187,181
JUNE	6,722,696	3,334,873	3,285,294	102,529
JULY	7,021,166	3,482,280	3,435,167	103,719
August	8,916,534	4,416,880	4,358,314	141,340
SEPTEMBER	8,410,752	4,139,631	4,109,045	162,076
OCTOBER	7,998,298	3,942,297	3,840,644	215,357
November	6,275,211	3,117,727	3,083,823	73,661
DECEMBER	<u>7,773,278</u>	3,840,025	<u>3,782,301</u>	<u>150,952</u>
TOTAL	<u>\$ 84,355,272</u>	<u>\$ 41,831,682</u>	<u>\$ 40,954,730</u>	<u>\$ 1,568,860</u>

^{*} Total Fees not inclusive of Mortgage Tax Recording Administrative Fees & County interest portion of \$1,364,377 and State ordered disbursements of \$195,697, calculated in accordance with New York State statutes.

LOCAL MORTGAGE TAX DISTRIBUTION

TOTAL DISTRIBUTIONS	 41,831,682
CITY OF LONG BEACH	 830,901
CITY OF GLEN COVE	554,325
Town of Oyster Bay	11,226,640
TOWN OF NORTH HEMPSTEAD	9,672,534
Town of Hempstead	\$ 19,547,282

COUNTY DISBURSEMENT

FOR YEAR ENDING DECEMBER 31, 2012 SCHEDULE 5

SUMMARY OF RECEIPT SOURCES DISBURSED TO THE NASSAU COUNTY TREASURER

COUNTY FEES (SEE SCHEDULE 3)	\$ 26,181,871	
BANK INTEREST EARNINGS (SEE SCHEDULE 3)	7,897	
SUBTOTAL COUNTY FEES & INTEREST		\$ 26,189,768
NEW YORK STATE REAL ESTATE TRANSFER TAX (SEE SCHEDULE 6)	\$ 18,782	
NEW YORK STATE DIVISION OF EQUALIZATION & ASSESSMENT (SURCHARGE) (SEE SCHEDULE 7)	183,010	
NEW YORK STATE COMMISSION OF TAXATION & FINANCE - RECORDS MANAGEMENT (SEE SCHEDULE 8)	192,456_	
SUBTOTAL COUNTY PORTION NYS FEES, TAXES & INTEREST		\$ 394,248
MORTGAGE TAX: ADMINISTRATION FEE ALLOWED BY NEW YORK STATE	\$ 1,359,199	
MORTGAGE TAX INTEREST: COUNTY PORTION	5,178	
SUBTOTAL COUNTY PORTION MORTGAGE TAX & INTEREST	-	\$ 1,364,377
TOTAL RECEIPTS DISBURSED TO NASSAU COUNTY *	_	\$ 27,948,393

^{*} Total Disbursed not inclusive of Local Mortgage Tax Distribution (See Schedule 4).

REAL ESTATE TRANSFER TAX (RETT)

	Total Transfer Tax Disbursed	NYS Share Interest on Deposits	Remitted to NYS Tax Commission	Recording Officer's Fees *	Nassau County Share Interest on Deposits	Remitted to Nassau County Treasurer
Lanuary	¢ 0 400 700	Ф 4EO	Ф 2 422 7 04	¢ 4 007	0 450	¢ 4 255
JANUARY	\$ 2,123,730	\$ 158	\$ 2,122,791	\$ 1,097	\$ 158	\$ 1,255
FEBRUARY	1,965,318	262	1,964,463	1,117	262	1,379
MARCH	1,750,495	152	1,749,497	1,150	152	1,302
APRIL	1,737,275	47	1,736,279	1,043	47	1,090
MAY	2,864,332	74	2,863,048	1,358	74	1,432
JUNE	3,019,900	122	3,018,720	1,302	121	1,423
JULY	3,429,506	132	3,428,296	1,342	132	1,474
August	4,041,953	246	4,040,124	2,075	246	2,321
SEPTEMBER	4,141,501	208	4,139,886	1,823	208	2,031
OCTOBER	2,799,566	232	2,798,173	1,625	232	1,857
November	2,762,025	152	2,761,082	1,095	152	1,247
DECEMBER	<u>4,177,085</u>	<u>204</u>	4,175,522	<u>1,767</u>	<u>204</u>	<u>1,971</u>
TOTAL	<u>\$ 34,812,686</u>	<u>\$ 1,989</u>	<u>\$ 34,797,881</u>	<u>\$ 16,794</u>	<u>\$ 1,988</u>	<u>\$ 18,782</u>

^{*} Recording Officer's Fees, in accordance with New York State statute, retained by the County Clerk and remitted to the Nassau County Treasurer based on the number of documents recorded.

EQUALIZATION AND ASSESSMENT

	Total Fees Disbursed	Remitted to New York State	Remitted to Nassau County Treasurer
JANUARY	\$ 189,325	\$ 176,505	\$ 12,820
FEBRUARY	194,875	181,663	13,212
March	198,875	185,339	13,536
APRIL	178,375	166,099	12,276
MAY	236,375	220,373	16,002
JUNE	223,375	208,066	15,309
JULY	229,750	213,910	15,840
August	268,500	250,131	18,369
SEPTEMBER	230,875	214,801	16,074
OCTOBER	231,625	215,722	15,903
November	189,000	176,112	12,888
DECEMBER	<u>309,375</u>	<u>288,594</u>	<u>20,781</u>
TOTAL	<u>\$ 2,680,325</u>	<u>\$ 2,497,315</u>	<u>\$ 183,010</u>

RECORD MANAGEMENT

	Total Fees Disbursed	Interest Earned	Remitted to NYS Record Management Fund	Remitted to NYS Cultural Education Fund	Remitted to Nassau County Treasurer
JANUARY	\$ 243,760	\$ 85	\$ 57,904	\$ 173,711	\$ 12,230
FEBRUARY	279,255	47	66,302	198,955	14,045
MARCH	314,783	72	74,764	224,303	15,788
A PRIL	348,420	67	82,758	248,274	17,455
MAY	304,000	63	72,208	216,624	15,231
JUNE	304,540	53	72,311	217,005	15,277
JULY	305,666	64	72,607	217,807	15,316
AUGUST	340,220	94	80,814	242,442	17,058
SEPTEMBER	312,800	59	74,297	222,892	15,670
OCTOBER	327,580	79	77,810	233,430	16,419
November	284,024	69	62,048	202,395	19,650
DECEMBER	365,820	<u>52</u>	<u>86,889</u>	<u>260,666</u>	<u>18,317</u>
TOTAL	<u>\$ 3,730,868</u>	<u>\$ 804</u>	<u>\$ 880,712</u>	<u>\$ 2,658,504</u>	<u>\$ 192,456</u>