

OFFICE OF THE NASSAU COUNTY CLERK



2007 ANNUAL REPORT



MAUREEN O'CONNELL
NASSAU COUNTY CLERK

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Dear Resident:

I am pleased to provide the Annual Report of the Nassau County Clerk's Office for the fiscal year 2007.

Created by State Constitution, this office has unique duties pertaining to indexing real property ownership records and court records for Supreme and County Courts. These records must be reviewed for statutory compliance and are retained in perpetuity. In addition, the County Clerk is responsible for safeguarding the vital historic records of the County as well as the storage and retrieval of records belonging to most county departments.

Although one of the most public offices in Nassau County government, the matters we handle are of a personal nature to the hundreds of residents who cross our threshold daily. My dedicated staff assists individuals with court filings, name change orders, deeds, mortgages, judgments and liens, business certificates, notary public requests, passports, and veteran's discharge filings each and every day. Accordingly, the Clerk, as agent, exercises a non-delegable fiduciary duty as a collection agent for funds generated by these services on behalf of and disbursed to other taxing jurisdictions and the Unified Court System.

The Clerk's Office has been able to achieve real time recording of real property instruments. In addition, we have commenced back file conversions of old records maintained on other media to a digitized format. With the assistance of the New York State Department of Education State Archives program, the County Clerk's Office was awarded a grant for \$40,000 to purchase software and equipment to convert hand written property cards that serve as an index for land records prior to 1992 to the present electronic platform. The objective for this year will be to continue the back file conversion. My ultimate goal is to create one centralized electronic format for all land records from 1899 to the present.

Additional goals for the Clerk's Office now, as was throughout last year, are the continuation of implementation of available technology, responsive constituent services, office efficiency and productivity, and privacy protection.

Further, in partnership with the Unified Court System, we are working to expand its e-filing pilot initiative, which allows for recording documents through electronic submission. By year's end, this office processed 37 files electronically. As of this writing, more than 1312 files have been processed electronically. In addition, Tax Certioraris increased more than 225% in 2007 (*from 4,558 in 2006 to 14,837 in 2007*); many of these Tax Certioraris were filed electronically.

Cognizant of this office's statutory obligations, I am hopeful that the County will provide the necessary resources thereby allowing the Clerk's Office to fulfill its professional and fiduciary obligation to the residents of Nassau County.

Very truly yours,

MAUREEN O'CONNELL
Nassau County Clerk

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HISTORY OF THE CLERK'S OFFICE

The Office of County Clerk is steeped in history. The County Clerk traces its origins to the Middle Ages, in England, when the Clerk was appointed by the King to travel with the circuit judge. Then, the Clerk was responsible for recording land transactions, maintaining court files, and representing the Crown. As with her predecessors, the Nassau County Clerk remains responsible for land recording and maintenance of court files, most of which are kept in perpetuity.

The New York State Constitution designates the Office of County Clerk as the principal office of county government. Further, the duties of this office are mandated by the State Constitution and by state and local law.

Today, the work of the Nassau County Clerk's Office affects and services more residents than any other county office. Every deed, mortgage, lien, judgment, business certificate, U.C.C. filing, civil and criminal court record, notary public license and renewal and veteran's discharge is filed or recorded here. The scope of most responsibilities is derived from the following:

- Clerk of Supreme and County Courts (NYS Constitution, County Law § 525)
- Clerk of the Courts of Record (CPLR §8016)
- Register of Land Titles (Real Property Law §372, County Law §525 and General Construction Law § 42)
- Records Management Officer (Arts and Cultural Affairs §57.19).

Recording a document in the County Clerk's Office incorporates the document into the official record maintained by the Clerk. It is available for public inspection. Pursuant to County Law §208, the official record is accepted as evidence in a court of law.

The County Clerk's Office is the official repository for Nassau County, and maintains millions of vital legal documents and public records relating to business, property ownership and civil and criminal cases in Supreme and County Courts.

Since the County's inception in 1899, its Clerks have recognized the legal significance of their office, understanding the importance of the records and maintaining their integrity for future generations. Mindful of the fiduciary and statutory obligations to the residents of Nassau County, I will continue to develop new and innovative ways to improve and streamline the recording and retrieval of these records in a secure manner.

FEES & TAXES

STATUTORY AUTHORITY

Fees and taxes collected by the Office of the County Clerk which 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 New York State laws, 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

- Passport Acceptance Agent
- Notaries Public licensing and renewals
- Filing Assumed Name Certificates (D.B.A.'s) and business papers
- Indexing Supreme Court files and related papers
- Maintaining Supreme and County Court case files
- Recording all land instruments
- Recording Powers of Attorney
- Filing subdivision maps and highway maps
- Processing Small Claims Assessment Review (SCAR) matters
- Maintaining Oaths of Office registry
- Maintaining Veterans Discharge (DD-214) documents
- Issuing Veteran's Peddlers Permits
- Recording Uniform Commercial Code filings
- Entering money judgments
- Recording New York State warrants, federal tax liens, and judgments
- Recording Firefighter's Exemption Certificates
- Recording Annual Reports: fire companies, trusts, etc.
- Providing certified copies of all filed and recorded documents
- Maintaining historic records including Census records and Naturalization documents
- Judgment and federal tax lien searches
- Local services to other municipalities and agencies

COUNTY CLERK DEPARTMENTS

ADMINISTRATION

The Administration Department processes and maintains all personnel and payroll records, prepares the budget, effectuates purchases and expenditures, provides public information, constituent services and acts as liaison for inter-governmental 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. 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 database. All media document a property's genealogy and all instruments are available for public viewing. This department is also responsible for maintaining archival subdivision maps.

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.

- **Licensing** - This division accepts for filing several federal, state and county licenses and certificates, records Certificate of Release or Discharge 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.
- **Business Names** - This division records and maintains all filings relative to business certificates, corporations, assumed business names (DBA), and religious corporations.
- **Notary** - 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.
- **Passports** - 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 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.

SECTION/BLOCK AND LOT

Property cards and land maps for all real property located in Nassau County are maintained by this Department. The department is the most visited Department by the public and handles hundreds of inquiries daily. Available for use are public access computer terminals that allow for searching and printing of land records. This Department is responsible for assisting the residents, professionals and other county agencies and municipalities in locating documents.

This department also files all highway and subdivision maps for real property located in Nassau County, which currently total in excess of 12,000 maps.

NEW INITIATIVES

ELECTRONIC FILING

The Nassau County Clerk has been selected to participate in the Unified Court System's pilot program known as Filing by Electronic Means, which permits electronic filings in certain cases. As a result of legislative and regulatory action, this program allows the acceptance of electronic filings for commercial and tort cases in Supreme Court in Nassau, and just over a dozen other counties statewide. There is no fee for use of the system, though regular court fees are paid by credit card or in person.

This project demonstrates improved control of the paper flow between courts and civil litigants. First authorized by the New York State Legislature in 1999, and subsequently extended, the program permits parties to commence lawsuits electronically and to exchange briefs, and motion papers online. To best utilize the system, we have provided training for county clerk staff in conjunction with the staff of Supreme Court. This year, we are proposing to extend e-filing to tax certiorari cases. We are working with the Unified Court System and members of the bar to identify other types of cases for the program.

We are pleased to partner with the Unified Court System on this important and innovative project which will serve as the basis for reform in the New York State court system.

BACK FILE CONVERSIONS

Since 1899, the County Clerk has been responsible for maintaining a land registry for all properties within Nassau County. This registry, developed in different formats, is based upon the available media of the time. The first index used for tracking land transactions was a listing by Section, Block and Lot on property cards. There are in excess of 1.3 million property cards on record. The County Clerk's Office is privileged to be awarded the County Clerk Initiative Grant from the New York State Archives Division of the Department of Education, which enables the office to purchase equipment and customized software to permit the conversion of property cards to an electronic platform.

In addition, land records prior to 1992 were recorded in different media (i.e., libers, microfiche and microfilm). The office has embarked on migrating documents maintained on microfiche for the years 1967–1987 into the current platform. The digitized conversion will facilitate public search for land documents recorded prior to 1992, when the Clerk's office began electronic recording.

Recently, the Clerk's office invested in a state-of-the-art map reproduction technology. The technology has made it possible to immediately reproduce maps that are maintained at the County Clerk's Map Room upon request. Before the purchase, the Clerk's office had to send maps to the Nassau County Printing & Graphics Department for reproduction. The new map reproduction machine is part of a preservation effort and will enable us to convert fragile, aging maps (some of which are hand written on linen), to digitized images for public searching, viewing and printing.

This year, the Clerk's office again has applied for another New York State Archives' grant from the Department of Education. The new application is for the purchase of equipment that is capable of scanning books containing land record documents.

With these resources in place, performing back file conversion will effectuate the County Clerk's vision of creating one electronic platform for all records.

YEAR IN REVIEW

For fiscal year 2007, the Office of the County Clerk:

- Remitted more than \$88 million in mortgage tax revenues to the 3 towns & 2 cities within Nassau County
- Collected nearly \$267 million in revenue – more than \$11 million in County fees remitted to the Nassau County Treasurer
- Recorded more than 28,000 Deeds
- Recorded more than 163,000 Mortgage documents
- Processed 308,595 court case files (representing a 12% increase over 2006)
- Processed 21,090 business filings (representing a 17% increase over 2006)
- Processed 14,837 Tax Certiorari case files (representing a 225% increase over 2006)
- Processed 51,536 Small Claim Assessment Review (SCAR) petitions (representing 85% of all SCAR petitions filed in New York State)
- Entered 7,684 Foreclosure-related filings (representing a 32.5% increase over 2006)

COURT RECORDS

FOR YEAR ENDING DECEMBER 31, 2007

SCHEDULE 1

COURT FEES REMITTED TO THE NEW YORK STATE COMPTROLLER

INDEX NUMBERS:

<i>CIVIL</i>	\$ 3,258,675
<i>MATRIMONIAL</i>	585,095
<i>TAX CERTIORARIS</i>	2,447,445
NOTES OF ISSUE	327,840
JURY DEMAND	210,275
REQUEST FOR JUDICIAL INTERVENTION (RJI)	2,013,215
NOTICE OF APPEAL	91,000
MOTIONS	953,200
STIPULATIONS OF SETTLEMENT OR VOLUNTARY DISCONTINUANCE	354,305
ASSESSMENT REVIEW PETITIONS (SCAR)	1,394,900
TOTAL	<u>\$ 11,635,950</u>

REAL ESTATE TRANSFER TAX (RETT)

FOR YEAR ENDING DECEMBER 31, 2007

SCHEDULE 2

REAL ESTATE TRANSFER TAX AND RECORDING OFFICER'S FEES COLLECTED

	Total Transfer Tax Collected	State Share Interest on Deposits	Remitted to NYS Tax Comm.	Recording Officer's Fees *	NC Share Interest on Deposits	Remitted to NC Treasurer
JANUARY	\$ 3,710,215.00	\$ 1,839.97	\$ 3,710,239.22	\$ 1,815.75	\$ 1,839.98	\$ 3,655.73
FEBRUARY	4,607,847.00	1,300.96	4,607,629.21	1,518.75	1,300.97	2,819.72
MARCH	3,536,669.00	1,189.10	3,536,083.60	1,774.50	1,189.11	2,963.61
APRIL	3,295,705.00	1,678.15	3,295,836.65	1,546.50	1,678.16	3,224.66
MAY	4,919,588.00	1,829.89	4,919,604.39	1,813.50	1,829.89	3,643.39
JUNE	4,343,303.00	1,198.29	4,342,749.29	1,752.00	1,198.30	2,950.30
JULY	4,525,980.00	873.69	4,525,048.44	1,805.25	873.69	2,678.94
AUGUST	6,745,120.00	1,613.17	6,743,844.17	2,047.00	1,613.18	4,502.18
SEPTEMBER	4,192,007.00	1,221.84	4,191,143.84	2,085.00	1,221.84	3,306.84
OCTOBER	5,419,645.00	971.50	5,418,744.00	1,872.50	971.51	2,844.01
NOVEMBER	3,362,460.00	985.63	3,361,928.38	1,517.25	985.63	2,502.88
DECEMBER	2,989,627.00	610.05	2,988,854.80	1,382.25	610.05	1,992.30
TOTAL	<u>\$ 51,648,166.00</u>	<u>\$ 15,312.24</u>	<u>\$ 51,641,705.99</u>	<u>\$ 20,930.25</u>	<u>\$ 15,312.31</u>	<u>\$ 37,084.56</u>

* Recording Officer's Fees retained according to New York State statute by the County Clerk based on the number of documents recorded.

RECEIPTS BY TYPE

FOR YEAR ENDING DECEMBER 31, 2007

SCHEDULE 3

<u>Type of Service</u>	<u>Number of Filings Recorded</u>	<u>Receipts</u>
BUSINESS NAMES & CORPORATIONS	20,390	\$ 260,314
COURT FEES	298,595	13,631,790
DEEDS – REAL ESTATE TRANSFER TAXES & FEES	52,869	55,269,990
JUDGMENTS	37,621	214,226
LIENS	31,933	205,096
MORTGAGES – TAXES & FEES	166,961	194,840,599
UNIFORM COMMERCIAL CODE	5,507	274,317
NOTARY FEES	18,459	477,051
SEARCHES & CERTIFICATIONS		82,004
DESK & LOCKER RENTAL		83,250
IMAGES & COPIES		241,972
MISCELLANEOUS FEES		14,214
OTHER RECEIPTS		595,449
INTEREST EARNED		710,292
TOTAL RECEIPTS		\$ 266,900,563

LOCAL MORTGAGE TAX DISTRIBUTION

FOR YEAR ENDING DECEMBER 31, 2007

SCHEDULE 4

TOWN OF HEMPSTEAD	\$ 46,776,973
TOWN OF NORTH HEMPSTEAD	16,831,721
TOWN OF OYSTER BAY	21,259,061
CITY OF GLEN COVE	1,324,399
CITY OF LONG BEACH	2,166,719
TOTAL DISTRIBUTIONS:	<u><u>\$ 88,358,873</u></u>

COUNTY RECEIPTS

FOR YEAR ENDING DECEMBER 31, 2007

SCHEDULE 5

SUMMARY OF RECEIPT SOURCES FORWARDED TO THE NASSAU COUNTY TREASURER

NEW YORK STATE - REAL ESTATE TRANSFER TAX (SEE SCHEDULE 2)	\$ 37,085	
NEW YORK STATE COMMISSION OF TAXATION & FINANCE - RECORDS MANAGEMENT (SEE SCHEDULE 8)	242,404	
NEW YORK STATE DIVISION OF EQUALIZATION & ASSESSMENT (SURCHARGE) (SEE SCHEDULE 7)	242,064	
MORTGAGE RECORDINGS	6,720,344	
DEED RECORDINGS	901,653	
COURT FEES	1,232,835	
BUSINESS NAMES	260,314	
BANK INTEREST EARNINGS	65,907	
MISCELLANEOUS FEES	<u>1,707,986</u>	
TOTAL: NASSAU COUNTY – FEES & INTEREST		\$ 11,410,592
MORTGAGE TAX: ADMINISTRATION FEE ALLOWED BY NEW YORK STATE	\$ 1,359,199	
MORTGAGE TAX INTEREST: COUNTY PORTION	<u>156,969</u>	
TOTAL: NASSAU COUNTY – MORTGAGE TAX & INTEREST		\$ 1,516,168
TOTAL: NASSAU COUNTY RECEIPTS COLLECTED BY THE OFFICE OF THE COUNTY CLERK		<u>\$ 12,926,761</u>

MORTGAGE TAX

FOR YEAR ENDING DECEMBER 31, 2007

SCHEDULE 6

SUMMARY OF 2007 AMOUNTS PAID FROM MORTGAGE TAX COLLECTED

MONTH	TOTAL FEES	NC TREASURER	NYS MTA	SONYMA
JANUARY	\$ 16,984,283.83	\$ 8,232,486.54	\$ 8,289,824.45	\$ 461,972.84
FEBRUARY	17,785,643.86	8,580,922.54	7,921,442.64	1,283,278.68
MARCH	18,568,096.79	8,972,035.84	8,736,026.42	860,034.53
APRIL	14,442,274.66	6,999,738.68	7,124,725.15	317,810.83
MAY	16,131,330.32	7,808,448.75	7,809,387.86	513,493.71
JUNE	14,975,117.34	7,260,399.03	7,425,888.85	288,829.46
JULY	15,323,580.80	7,411,185.37	7,393,686.11	518,709.32
AUGUST	18,294,630.22	8,864,680.27	8,792,463.11	637,486.84
SEPTEMBER	12,768,579.19	6,205,622.80	6,279,585.43	283,370.96
OCTOBER	14,230,063.18	6,904,657.86	6,710,563.82	614,841.50
NOVEMBER	11,851,904.11	5,755,386.50	5,593,634.85	502,882.76
DECEMBER	11,060,088.10	5,363,309.26	5,063,884.77	632,894.07
TOTAL	<u>\$ 182,415,592.40</u>	<u>\$ 88,358,873.44</u>	<u>\$ 87,141,113.46</u>	<u>\$ 6,915,605.50</u>

EQUALIZATION AND ASSESSMENT

FOR YEAR ENDING DECEMBER 31, 2007

SCHEDULE 7

NEW YORK STATE DIVISION OF EQUALIZATION AND ASSESSMENT FEES COLLECTED

	TOTAL FEES COLLECTED	REMITTED TO NEW YORK STATE	REMITTED TO NASSAU COUNTY TREASURER
JANUARY	\$ 193,035	\$ 171,588	\$ 21,447
FEBRUARY	160,515	142,668	17,847
MARCH	188,145	167,166	20,979
APRIL	162,555	144,258	18,297
MAY	192,945	171,498	21,447
JUNE	185,640	164,886	20,754
JULY	188,730	167,454	21,276
AUGUST	223,725	198,444	25,281
SEPTEMBER	162,870	144,276	18,594
OCTOBER	193,950	172,026	21,924
NOVEMBER	160,980	142,980	18,000
DECEMBER	146,940	130,722	16,218
TOTAL	<u>\$ 2,160,030</u>	<u>\$ 1,917,966</u>	<u>\$242,064</u>

RECORD MANAGEMENT

FOR YEAR ENDING DECEMBER 31, 2007

SCHEDULE 7

NEW YORK STATE RECORDS MANAGEMENT FEES *

	TOTAL RECORDING FEES COLLECTED	INTEREST EARNED	REMITTED TO NYS RECORD MANAGEMENT FUND	REMITTED TO NYS CULTURAL EDUCATION FUND	REMITTED TO NASSAU COUNTY TREASURER
January	\$ 428,300.00	\$ 518.65	\$ 101,786.08	\$ 305,358.25	\$ 21,674.32
February	341,782.75	463.96	81,207.00	243,704.48	17,335.23
March	456,740.00	552.65	108,535.33	325,634.50	23,122.82
April	616,160.00	619.26	146,415.41	439,246.22	31,117.63
May	411,525.00	687.53	97,821.94	293,465.83	20,924.76
June	372,660.00	481.22	88,562.15	265,700.71	18,878.36
July	357,280.00	379.24	84,901.41	254,704.21	18,053.62
August	415,220.00	393.95	98,664.00	295,991.98	20,957.97
September	325,580.00	387.99	77,373.75	232,121.25	16,472.99
October	389,980.00	326.52	92,703.82	277,983.19	19,619.51
November	361,080.00	357.56	85,805.95	257,403.58	18,228.03
December	318,000.00	257.15	75,566.65	226,671.43	16,019.07
TOTAL	<u>\$ 4,794,307.75</u>	<u>\$ 5,425.68</u>	<u>\$ 1,139,343.49</u>	<u>\$ 3,417,985.63</u>	<u>\$ 242,404.31</u>

* New York State Form AC-909