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**GLENN A. GRANT, J.A.D.**  
Acting Administrative Director of the Courts

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**Directive # 07-13**\*

[Supersedes Several Directives as  
Listed in the Footnote Below]

**MEMORANDUM**

**To:** Assignment Judges  
Civil Presiding Judges  
Supervising Special Civil Part Judges  
Trial Court Administrators

**From:** Glenn A. Grant, J.A.D. 

**Subj:** Special Civil Part Officers – Revised Policies – Promulgation of  
Directive # 07-13

**Date:** December 10, 2013

The attached Directive promulgated by this memorandum sets out updated policies and procedures to govern the Judiciary's relationship with the Special Civil Part Officers. The Directive, which supersedes several prior Directives as set forth in the footnote below, is intended to more clearly define the Judiciary's oversight of the Special Civil Part Officers while maintaining their independent contractor status.

**Adoption of Directive**

The Supreme Court approved the Directive on the recommendation of the Judicial Council. The Directive was the result of an extensive development and vetting process.

**Effective Dates**

Other than as expressly set forth in this paragraph, the provisions of Directive #07-13 are effective immediately. The following specific provisions of the Directive have extended effective/implementation dates, as indicated:

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\*Supersedes Directives #5-01, #3-03, #4-03 (and Implementing Memo of 2/11/10), #10-05, #13-06, #2-07 and the Revised Protocol for the Recruitment and Appointment of Special Civil Part Officers Dated 8/6/07.

1. The AOC will provide badges and picture identification to all Officers by July 1, 2014, in compliance with Section V(B)
2. The Special Civil Part Officer Personal Disclosure Certification Form set forth in Appendix D and mentioned in Sections V(C) and IX(B) is to be completed and submitted by all Officers by January 1, 2014 and thereafter annually resubmitted by July 1 of each year.
3. The increase in the minimum bond requirement for the Officers from \$50,000 to \$100,000, as set forth in Section V(E)(2) will be effective July 1, 2014. All Officers should by that date have bonds in at least that amount or an amount equal to three times their average monthly gross receipts, whichever is greater.
4. Officers must have established the required email account and have communicated that email address and other contact information to the Civil and Finance Division Managers, as described in Section VI(C), by April 1, 2014.
5. Each Officer shall by April 1, 2014 complete the format and informational requirements for letterhead and checks as set forth in Section VI(D).
6. The Continuity of Operations Plan (COOP) required by Sections VI(F) and VI(I) shall be submitted by each Officer to the Assignment Judge or designee by April 1, 2014.
7. Any vicinage that currently allows attorneys and pro se litigants to designate the specific Officer to whom their chattel and wage executions are assigned shall revise that approach by April 1, 2014 and instead implement a new method of assignment that will distribute the executions in compliance with Section IX(C).
8. The vicinage will distribute the Expired Writ Report to the Officers by July 1, 2014, with each Officers required to return any expired writs within 45 days, as required by Section IX(D)(2).
9. By July 1, 2014 each Officer must make the first semi-annual submission of his or her writ register to the vicinage for review of 5% of the executions listed, up to a maximum of 100, as set forth in Section IX(D)(3).
10. Each Officer must submit the initial monthly bank reconciliation, as described in Section IX(E), to the Finance Division Manager by April 20, 2014 for the month of March.
11. As set forth in Section IX(D), Vicinages shall distribute the attorney survey form set forth in Appendix H by July 1, 2014 and plan for a

meeting to take place by October 30, 2014 to discuss the survey results with the Officers.

**Implementation Plan Requested**

I am asking that each vicinage develop an implementation plan to address the changes to current procedures and practices that this Directive requires. The plan should include a review of current operations and practices in your vicinage, along with specific steps (with associated dates) where necessary to bring the vicinage into conformity with the provisions of the Directive. Please submit your written implementation plan to me by **Friday, January 31, 2014**, copying Assistant Director Kevin M. Wolfe.

Any questions regarding Directive #07-13 may be directed to Kevin M. Wolfe, Assistant Director for Civil Practice, by phone at 609-292-8470 or by email at [Kevin.Wolfe@judiciary.nj.us.state](mailto:Kevin.Wolfe@judiciary.nj.us.state).

G.A.G.

Attachments (Directive and Appendices)

cc: Chief Justice Stuart Rabner  
Steven D. Bonville, Chief of Staff  
AOC Directors and Assistant Directors  
Clerks of Court  
Gurpreet M. Singh, Special Assistant  
Robert D. Pitt, Chief, Special Civil Part Services  
Civil Division Managers  
Finance Division Managers  
Assistant Civil Division Managers for Special Civil

**ADMINISTRATIVE DIRECTIVE #07-13  
SPECIAL CIVIL PART OFFICERS – REVISED POLICIES**

**[Supersedes Directives #5-01, #3-03, #4-03 (and Implementing Memorandum of 2/11/10), #10-05, #13-06, #2-07 and the Revised Protocol for the Recruitment and Appointment of Special Civil Part Officers Dated 8/6/07]**

**I. Special Civil Part Officers – Introduction**

Special Civil Part Officers are officers of the court. Their responsibilities include serving summonses and complaints in landlord/tenant actions and serving and executing warrants for removal in eviction cases as ordered by the court. Special Civil Part Officers also serve post-judgment papers issued by the court, such as chattel and wage executions, post and conduct sales of goods and chattels, remit execution proceeds to judgment creditors, and perform such other duties as may be directed by the court or required by statute, court rule or administrative directive.

Special Civil Part Officers are not employees of the Judiciary. Their income consists of statutory fees paid by litigants for service of process issued by the court. They also retain a percentage of the money they collect pursuant to writs of execution against wages and chattels issued by the court and they receive fees for serving and executing warrants for removal issued by the court in tenancy actions.

Special Civil Part Officers are independent contractors appointed by order of the Assignment Judge upon the recommendation of the Civil Presiding Judge or designee. The appointment may be discontinued at any time at the discretion of the Assignment Judge.

**II. Position Requirements**

**A. Qualifications.** Candidates must meet at least one of the following criteria:

1. The candidate shall have successfully attained a Bachelor's degree from an accredited college with no fewer than 30 credits in business law and/or accounting.
2. The candidate shall have been employed for no fewer than three years in the Civil Division of the Superior Court. Judiciary employees may apply for appointment as a Special Civil Part Officer but must resign from their Judiciary position if selected for appointment.
3. The candidate shall have been employed on a full-time basis for no fewer than three years by an officer/process server of a New Jersey Court or by a bonded collection agency in the State of New Jersey in a managerial capacity.

4. The candidate shall have been employed as a full-time law enforcement officer. All persons qualifying under this provision must have performed, in their previous position, duties that were of an investigative nature for a period of no less than three years.

Relaxation of these guidelines may be necessary when suitable candidates do not meet one of the above qualifications; any such relaxations must be approved in writing by the Administrative Director.

- B. Ability to Perform Accounting Functions.** If the candidate intends to personally perform or oversee staff that will perform the accounting functions associated with the position, the candidate's ability to do so must be demonstrated. In the alternative, the candidate may utilize an accountant or accounting firm to perform the necessary accounting functions.
- C. No Judgments.** The candidate must not have any outstanding judgments against him or her and must provide recent copies (issued within 60 days of resume submission) of credit reports and credit scores from three major credit reporting agencies: currently, Equifax, Experian and TRW.
- D. No Criminal Record.** The candidate must not have a criminal record in the State of New Jersey, any other state, district, or territory of the United States of America. Additionally, the candidate must disclose any expunged criminal matters and agree to a background check which will include expunged criminal matters. If a candidate has a criminal record or an expunged criminal matter and has disclosed those facts, the Assignment Judge request an exception to appoint the candidate based on mitigating factors.
- E. Ability to Meet Bonding Requirements.** The candidate must be able to obtain an initial \$100,000 bond. Thereafter, the candidate must be eligible for increases in bonding as needed. See Section XV for additional information on bonding requirements.

### **III. Recruitment and Selection Process**

The recruitment and screening of Special Civil Part Officer candidates is the responsibility of the Civil Division Manager or designee. The Vicinage Human Resources Division and Equal Employment Opportunity/Affirmative Action Officer shall not be involved in the recruitment or the appointment process as Special Civil Part Officers are not employees of the Judiciary. The Judiciary of New Jersey observes Equal Employment Opportunity/Affirmative Action principles in appointing Special Civil Part Officers.

#### **A. Advertisement of Appointment Opportunity**

The advertisement seeking candidates shall be labeled as a Notice of a Special Civil Part Officer Appointment Opportunity rather than a Job Opportunity or Notice of Vacancy and shall be in the form of Appendix A to this Directive which is entitled "Notice of Special Civil Part Officer

Appointment Opportunity.” The Notice must be posted on judiciary bulletin boards but segregated from judiciary job opportunities and notices of vacancies. The Notice shall be posted on the judiciary’s Infonet/Internet pages, in a category entitled “Special Civil Part Officer Opportunities,” and may be placed in the classified advertising section of newspapers of general circulation in the Vicinage. Notices of Special Civil Part Officer Appointment Opportunity shall remain open internally and externally for a minimum of 10 calendar days.

**B. Application Process**

1. A Special Civil Part Officer candidate shall submit a cover letter and current resume to the Assistant Civil Division Manager for the Special Civil Part.
2. The candidate must complete a “Special Civil Part Officer Candidate Information Computerized Criminal History Authorization and Release Form” and submit it to the Assistant Civil Division Manager together with the cover letter and current resume. The Form is set forth in Appendix B to this Directive.
3. The candidate must provide a business plan which includes the following:
  - a. Business location that complies with Section VI-A of this Directive.
  - b. Identification of who will be responsible for performing the accounting functions associated with the position.
  - c. The accounting system that will be used.
  - d. How the accounting system will be backed up.
  - e. How the historical accounting data will be recovered in the event of the loss of the accounting system.
  - f. How paper records will be safeguarded against unauthorized access, theft, fire and water damage (i.e. safes, fire extinguishers, locking filing cabinets.)
  - g. The name of the financial institution and the branch where the Officer’s Trust Account will be established.
  - h. How financial instruments will be safeguarded prior to deposit to the Trust Account.
  - i. How mail will be received (i.e. post office box versus street address).

### **C. Interview Process**

The number of candidates selected for interview shall be sufficient to increase the likelihood of selecting a high level performer and reasonable efforts shall be made to ensure that minorities and females are given a fair opportunity to compete for the appointment. All candidates shall be given a uniform set of questions and shall be treated fairly and equally during the interview.

### **D. Recommendation of Civil Presiding Judge**

Upon completion of the recruitment and selection process, the Civil Presiding Judge's recommendation, or that of the Civil Presiding Judge's designee, is conveyed to the Assignment Judge for consideration.

## **IV. Appointment and Discontinuation of Appointment**

### **A. Appointment**

A Special Civil Part Officer's appointment is formalized by a court order signed by the Assignment Judge. See Appendix C, "Sample Order Appointing Special Civil Part Officer." The sample order contains a provision requiring the Special Civil Part Officer to agree to comply with all relevant statutes, court rules and administrative directives pertaining to Special Civil Part Officers, including the Officer's geographical limitation. The Officer's agreement to these terms is stated by the Officer's signed consent, which is a part of the Order.

### **B. Discontinuation of Appointment**

A Special Civil Part Officer's appointment may be discontinued at any time at the discretion of the Assignment Judge. Nothing contained in this Directive abrogates the authority of the Assignment Judge to discontinue the appointment of the Special Civil Part Officer at any time. Upon discontinuation of the Officer's appointment, the Officer shall immediately return to the Trial Court Administrator, or designee, all judicial and/or Special Civil Part Officer identifications, badges, parking decals and keys.

## **V. Special Civil Part Officer Policies --- General**

### **A. Special Civil Part Officer's Aides and Supporting Staff**

Special Civil Part Officers may employ aides to assist in serving process, with the express approval of the Assignment Judge. A prospective aide shall complete a "Special Civil Part Officer Candidate Information Computerized Criminal History Authorization and Release Form" and submit it to the Assistant Civil Division Manager together with a cover letter and current resume. The Form is set forth in Appendix B to this Directive. An order of appointment must be entered for any persons so employed and the order should include a provision setting forth the

subordinate role of the aide to the Special Civil Part Officer. All aforementioned persons serving process must be covered under the Special Civil Part Officer's surety bond. Submission of proof of such bonding is required at time of appointment. Special Civil Part Officers may utilize staff to perform duties that do not include serving process. An order of appointment is not required for these individuals, but they must either be covered under the Special Civil Part Officer's surety bond or an employee fidelity insurance policy. Note that Judiciary employees cannot be utilized, employed by or provide any service to the Special Civil Part Officer unless ordered to do so in a particular case by a judge.

## **B. Identification**

All persons appointed to serve initial and post-judgment process issued by the Special Civil Part must obtain and carry an official badge and identification that contains a photograph, both in a form approved by the Administrative Office of the Courts. The Administrative Office of the Courts will provide the badge and identification. Replacement badges and ID will be issued at the expense of the Special Civil Part Officer.

## **C. Political and Other Non-Judiciary Activities**

Special Civil Part Officers must agree not to hold or be a candidate for any elected public office nor engage in partisan political activity. Partisan political activity is defined as activity that is primarily aimed at electing candidates. An organization or club whose primary purpose is engaging in nonpartisan political activity, but that may also endorse political candidates, is considered to be an organization or club that supports partisan political activity.

Special Civil Part Officers shall not hold any position or employment in private business nor engage in other gainful pursuit, including but not limited to, performing or charging fees for performing additional services beyond their official duties that are not required by statute, court rule or administrative directive, except as permitted by the Civil Presiding Judge in writing.

Any and all information regarding other gainful pursuit must be disclosed on the Special Civil Part Officer Personal Disclosure Form. See Appendix D, "Special Civil Part Officer Personal Disclosure Certification Form." The Special Civil Part Officer Personal Disclosure Certification Form is to be completed by all newly appointed Special Civil Part Officers within thirty (30) days of appointment.

Thereafter, this form is to be completed by all existing Special Civil Part Officers by July 1 of each year and submitted to the Civil Division Manager in the respective vicinage.

A Special Civil Part Officer's failure to complete the form and/or any accrual of civil judgments or pending criminal charges (4th degree charge or higher) shall require the immediate suspension of all work to the Special Civil Part Officer pending the Assignment Judge's assessment of the Special Civil Part Officer's ability to continue his or her performance of his or her duties.

## **D. Organizational Form of Special Civil Part Officer's Business**

Limited liability companies and corporations may not be appointed as Special Civil Part Officers. Therefore, Special Civil Part Officers may not organize themselves as limited liability companies or corporations.

## **E. Bonding Requirements**

All Special Civil Part Officers executing writs shall be required to obtain a surety bond at their expense. All persons who serve post judgment process or work in the Special Civil Part Officer's office must be covered under the Officer's surety bond, their own personal surety bond or by employee theft or dishonesty insurance.

### **1. Original Bond**

Upon appointment, the Special Civil Part Officer's surety bond shall be in the amount of \$100,000, if starting a new book, or an amount equal to three times the amount of the average monthly gross receipts during the current bond amount calculation period if assuming the responsibility of an existing account, and shall indemnify any party, including the State of New Jersey and the New Jersey State Judiciary, harmed by the Officer's loss or misuse of funds. All Special Civil Part Officers shall submit the original bond and all riders and/or updates thereto to the Trial Court Administrator and Vicinage Finance Division Manager along with proof of payment for the bond. The Officers shall also submit proof of bond coverage or theft insurance for all the Officer's employees to the Trial Court Administrator and the Vicinage Finance Division Manager along with proof of payment for the bond. The annual bond amount review and update will be required as noted in section 2 below.

### **2. Bond Amount Calculation Period and Bond Coverage Period**

It is the responsibility of each Officer to maintain a surety bond for three times the amount of their average monthly gross receipts during the current bond amount calculation period or \$100,000, whichever is greater. The yearly bond coverage period for all officers shall be July 1 through June 30 to coincide with the required financial examination period.

As noted in Section VI-D of Appendix G to this Directive, each Special Civil Part Officer is subject to a financial examination for the period beginning on July 1 of each year and ending on June 30 of the following year. The bond amount calculation period shall be the first eleven months (July through May) of each examination period. Each officer shall calculate their average monthly collection figure for this eleven month period and multiply that average by three. The resultant figure or \$100,000, whichever is greater, shall be the required bond amount for the upcoming financial examination period. Each officer shall ensure that any increase or decrease to their current bond amount required as

a result of this calculation shall be made effective by their bonding company on or prior to July 1.

The Trial Court Administrator may require an increase or permit a decrease in the amount of the bond at any time during the year as needed for the Special Civil Part Officer's bond amount to equal the sum of the Officer's collections for the preceding three months.

### **3. Bond Requirements for Civil Part Executions**

In matters cognizable in the Civil Part, where the judgment amount exceeds \$15,000, Special Civil Part Officers shall provide such bond or other security as may be necessary to indemnify creditors and the State of NJ in the event of loss or misuse of funds. This amount shall be set forth in the Civil Presiding Judge's order directing the writ to the Officer and the Officer shall be required to present proof of compliance with the bonding requirements to the Civil Division Manager and the Finance Division Manager prior to processing such executions.

## **VI. Operational Requirements for Special Civil Part Officers**

### **A. Business Office Location**

Special Civil Part Officers shall maintain a business address in the State of New Jersey. The Assignment Judge or designee may require Special Civil Part Officers to maintain a physical business street address in the Vicinage which can be provided to the public. Vicinages that do not require Special Civil Part Officers to maintain a separate business street address shall permit Special Civil Part Officers to meet with litigants in the courthouse from time-to-time as needed.

Special Civil Part Officers shall entertain visitation in their offices by court personnel during court business hours, to be determined by the Assignment Judge or designee, and/or as the need arises.

### **B. Business Hours**

The Special Civil Part Officer's business office must provide phone coverage during regular court business hours and the Special Civil Part Officer and/or his/her staff must telephonically respond to all telephone inquiries, messages or calls within 48 hours.

Special Civil Part Officers and their duly appointed Aides who serve post judgment process and warrants of removal shall be available to court staff during court business hours, whether at their business office or via cell phone.

### **C. Communication**

The Special Civil Part Officer's business office must have a computer and fax machine.

Each Special Civil Part Officer shall be required to maintain an email account to facilitate communications with the Special Civil Part Clerk's office, as deemed appropriate, and provide same to the Assistant Civil Division Manager – Special Civil Part.

Contact information (phone number(s), fax number, email address) shall be provided to the Civil Division Manager and the Finance Division Manager in the respective vicinage and updated via resubmission. See Appendix E, "Special Civil Part Officer Business Information Certification Form."

#### **D. Identification on Correspondence and Checks**

All Special Civil Part Officer correspondence must contain the name of the Special Civil Part Officer, the business mailing address, the business phone number and the business fax number.

All letterhead and checks used by Special Civil Part Officers must be approved by the Assignment Judge or designee. The Officer's letterhead and checks may include the Seal of the Superior Court, but not the Great Seal of the State of New Jersey.

A copy of all correspondence to and from the Special Civil Part Officer must be maintained by the Special Civil Part Officer for a period of seven years from the return date of the execution to which the correspondence pertains or two years from the date of the execution of the warrant of removal or writ of replevin.

#### **E. Record Retention & Location**

All records that are less than seven years old and associated with their assigned court work must be maintained by the Special Civil Part Officer. However, the Officer's Writ Register must be retained for 20 years. If any records are not maintained at their business address, the Officer is required to disclose the location of the same to the Court.

#### **F. Disaster Recovery / Contingency Planning**

Each Special Civil Part Officer must create and submit to the Assignment Judge or designee a copy of an emergency action plan or Continuity of Operations Plan (COOP) which provides for the safety of all court records, court documents, ledgers, and bank records affiliated with the Special Civil Part Officer's duties including a plan to regularly back up the computer's hard drive in the event of an emergency or catastrophe to the structure where these records are maintained. A copy of the aforementioned COOP, including any updates, shall be kept on site at the Special Civil Part Officer's business office and in the office of the Civil Division Manager or designee.

## **G. Work Retrieval**

Each Special Civil Part Officer shall be required to retrieve all work assigned to them on a daily basis unless alternate arrangements are approved by the Civil Division Manager or designee

## **H. Training**

### **1. Orientation**

The Civil Division Manager or designee will coordinate an orientation for the newly appointed Special Civil Part Officer. The orientation shall include an introductory meeting between the Special Civil Part Officer and the Vicinage Finance Division Manager or designee. A newly appointed Special Civil Part Officer will work with an incumbent officer for a specified period of time or under the supervision of an incumbent officer for at least 90 days. The purpose is for the incumbent officer to train the newly appointed Special Civil Part Officer in how to perform court officer duties in accordance with all relevant statutes, court rules, and administrative directives. In addition, the orientation program should include training in and oversight of a new Special Civil Part Officer's record keeping and office procedures for the first six months of the Special Civil Part Officer's service. A visit by vicinage staff to the newly appointed Special Civil Part Officer's business site shall occur approximately 90 days after appointment.

### **2. Ongoing**

Special Civil Part Officers shall be required to attend training, as determined by the Judiciary.

## **I. Internal Controls**

It is the responsibility of the Special Civil Part Officer to:

1. Safeguard the monies entrusted to the care of the Special Civil Part Officer.
2. Establish internal controls for the Accounting System to assure the integrity of the data entered into the system and prevent misuse or defalcation.
3. Develop and maintain a back-up method for the Accounting System.
4. Develop and maintain a disaster recovery plan for the Accounting System and related financial data (bank statements, deposit slips, bank reconciliations). See Section VI-F, "Disaster Recovery / Contingency Planning," above.
5. Develop and train staff/employee(s) aides/helpers utilized by the Special Civil Part Officer to manage the financial operation.

## **J. Writ Register Requirements**

The Special Civil Part Officer shall maintain a Writ Register for all Civil Part and Special Civil Part executions. The writ register shall contain:

1. Issue date of execution and expiration date of execution
2. Date of the execution
3. Execution number
4. Docket number, venue, vicinage judgment (VJ) number or docketed judgment (DJ) number of the case
5. Nature of the execution (wage, chattel or replevin)
6. Caption of the case
7. Amount of the execution
8. Remarks/status of execution, which must provide, as follows:
  - a) Service history including date(s) of attempted service
  - b) Date of actual service
  - c) Physical location of service of the execution;
  - d) Verification of the debtor's employment, if any, and any other relevant information provided by the garnishee to the Officer;
9. Notice of bankruptcy, if any
10. All accrued interest requests, if any.

## **VII. Procedures for Service of Process By Special Civil Part Officers**

The service of initial, mesne, and post-judgment process shall be carried out by Special Civil Part Officers pursuant to the procedures set forth in Appendix F to this Directive, which is entitled "Procedures for Service of Process by Special Civil Part Officers," and relevant New Jersey Rules of Court and statutes. Appendix F will be updated from time to time by the Administrative Office of the Courts and Special Civil Part Officers are expected to keep themselves abreast of all such changes. Common examples of initial process are a summons and an order to show cause. Examples of mesne process are a writ of replevin and a writ of attachment. Common examples of post-judgment process are a writ of execution against goods and chattels, a combined writ of execution and order for execution against wages, a warrant of removal issued in tenancy and detainer actions and a writ for possession issued in ejectment proceedings.

## **VIII. Financial Requirements for Special Civil Part Officers**

Financial recordkeeping and procedural requirements for Special Civil Part Officers are set forth in Attachment G to this Directive, which is entitled “Financial Requirements for Special Civil Part Officers” and in Rule 6:12 of the New Jersey Rules of Court. Attachment G will be updated from time to time by the Administrative Office of the Courts and Special Civil Part Officers are expected to keep themselves and their auditors abreast of all such changes.

## **IX. Judiciary Support and Monitoring Procedures**

### **A. Special Civil Part Officers Advisory Committee**

#### **1. Formation**

Each Assignment Judge shall form a Special Civil Part Officers Advisory Committee to be chaired by the Civil Presiding Judge. This Committee shall meet at least semiannually to advise the Assignment Judge with regard to the appointment of new Officers, training, policy, procedures, and other issues pertaining to Special Civil Part Officers.

#### **2. Membership**

In addition to the Civil Presiding Judge, the Advisory Committee should consist of the Supervising Judge of the Special Civil Part, the Civil Division Manager, the Assistant Civil Division Manager – Special Civil Part, all Special Civil Part Officers who serve post judgment process, at least two members of the local bar who regularly practice in the Special Civil Part, an attorney from legal services, the Finance Division Manager or designee, and other individuals as the Assignment Judge may designate.

### **B. Annual Review of Special Civil Part Officer Personal Disclosure Form**

The Special Civil Part Officer Personal Disclosure Certification Form submitted by the Officer and any aide appointed to assist the Officer shall be kept on file by the Assignment Judge or designee within the appointing vicinage. The failure of a Special Civil Part Officer or aide to complete the form and/or any accrual of civil judgments or pending criminal charges (4th degree charge or higher) shall require the immediate suspension of all work to the Special Civil Part Officer or aide pending the Assignment Judge’s assessment of the ability of the Special Civil Part Officer or aide to continue his or her performance of his or her duties.

### **C. Workload Distribution by the Case Management Office**

The Assistant Civil Division Managers for the Special Civil Part shall be responsible for the day-to-day allocation of work to Special Civil Part Officers in their counties.

Attorney and pro se preferences for the assignment of post-judgment process to a particular Officer will not be honored. Civil Presiding Judges and Civil Division Managers should evaluate the case assignment practices in their courts to ensure that work is being distributed in a manner that promotes timely service and provides each Special Civil Part Officer who serves post-judgment process with the opportunity for the fair and equitable assignment of available cases, whether based on geographic locale, alternating docket numbers or through some other method of case distribution.

**D. Assignment and Tracking of Writs For Compliance With Legal Requirements**

The Civil Presiding Judge or Supervising Judge of the Special Civil Part and the Civil Division Manager or designee shall meet periodically, but not less than annually, with the Special Civil Part Officers to address issues regarding service of initial and post-judgment process and ascertain compliance by the Officers with appropriate statutes, rules and directives. The assessment shall include an annual distribution of the Special Civil Part Officer Performance Survey to a representative sample of attorneys to evaluate Special Civil Part Officer performance. See Appendix H to this Directive, "Special Civil Part Officer Performance Survey."

**1. Acknowledgment of Receipt of Work**

The Civil Division Manager or designee shall provide to all Special Civil Part Officers serving post judgment process the "Court Officer Fee Report (Report 219)" on a bi-weekly basis. The Special Civil Part Officer shall review and verify, by initial or signature thereon, that the Officer has received all the executions contained thereon prior to the issuance of the next report. The verified report will then be returned to the Civil Division Manager or designee.

**2. Expired Writ Report**

The Assistant Civil Division Manager – Special Civil Part shall provide to each Special Civil Part Officer, who serves post judgment process, the "Expired Writ Report (229X Report)" no less than twice a year. The Special Civil Part Officers shall return, if they have not done so already, all expired writs within 45 days of receipt of the aforementioned report. See section XII-A above regarding the required 30-day notice of intent to return a writ and release levies.

**3. Review of Court Officer Writ Register**

The Special Civil Part Officer must provide a copy of the Officer's Writ Register required by Section VI-J of this Directive to the Assistant Civil Division Manager – Special Civil Part who will review 5% of the executions, up to a maximum of 100, for compliance with the requirements of this Directive on a semi annual basis. Issues of non-compliance, if any, shall be brought to the attention of the Assignment Judge.

**E. Review of Monthly Bank Reconciliations**

Each month the Special Civil Part Officer must submit a copy of the Trust Account bank statement, the associated bank reconciliation and outstanding list in the format prescribed in Appendix G, Attachments D and E. Additionally, documentation must be included to support the manner in which any errors or discrepancies were addressed. This complete submission must be forwarded to the Finance Division Manager within 20 business days after the end of the previous month. If there are unaddressed errors or deficiencies, the Finance Division Manager will advise the Trial Court Administrator and Civil Division Manager. The Assignment Judge or designee will determine if additional work will be assigned to the Special Civil Part Officer while the errors or deficiencies remain unaddressed.

**F. Review and Approval of Annual Financial Examination Reports**

The roles of the Trial Court Administrator, Finance Division Manager, Civil Division Manager and the AOC's Chief of Internal Audit in the review and approval of Annual Financial Examination Reports submitted by the Special Civil Part Officers are set forth in Sections I through L of Appendix G to this Directive.

SUPERIOR COURT OF NEW JERSEY  
SPECIAL CIVIL PART COUNTY OF XX

JANE B. ROE  
CIVIL DIVISION MANAGER

JOHN DOE  
ASSISTANT CIVIL DIVISION MANAGER



ANY COUNTY COURTHOUSE  
85 MAIN STREET  
ANYTOWN, NJ 08000  
TELEPHONE (555) 555-5555

**NOTICE OF SPECIAL CIVIL PART OFFICER APPOINTMENT OPPORTUNITY**

**Compensation:** Special Civil Part Officers are unsalaried independent contractors whose income consists of statutory fees paid by litigants for service of process issued by the court. Special Civil Part Officers also retain a percentage of the money they collect pursuant to writs of execution against wages and chattels issued by the court and they receive fees for serving and executing warrants for removal issued by the court in tenancy actions.

**Applications Accepted Through XXXX XX, XXXX**

**DESCRIPTION**

Special Civil Part Officers are officers of the court. Their responsibilities include serving summonses and complaints in landlord/tenant actions and serving and executing warrants for removal in eviction cases as ordered by the court. Special Civil Part Officers also serve post-judgment papers issued by the court, such as chattel and wage executions, post and conduct sales of goods and chattels, remit execution proceeds to judgment creditors, and perform such other duties as may be directed by the court or required by statute, court rule or administrative directive.

**REQUIREMENTS**

Candidates must meet at least one of the following qualifications:

- a) The candidate shall have been employed for no fewer than three years by a New Jersey Court. Judiciary employees may apply for appointment as a Special Civil Part Officer but must resign from their Judiciary position if selected for appointment.
- b) The candidate shall have been employed on a full-time basis for no fewer than three years by an officer/process server of a New Jersey Court or by a bonded collection agency in the State of New Jersey in a managerial capacity.
- c) The candidate shall have been employed as a full-time law enforcement officer. All persons qualifying under this provision must have performed in their previous position, duties that were of an investigative nature, for a period of no less than three years.
- d) The candidate shall have successfully attained a Bachelor's degree from an accredited college with no fewer than 30 credits in criminal justice, business law and/or accounting.

In addition to meeting one of the aforementioned qualifications, the candidate must demonstrate all of the following:

- a) If the candidate intends to personally perform or oversee staff that will perform the accounting functions associated with the position, the candidate's ability to do so must be demonstrated. In the alternate, the candidate may utilize an accountant or accounting firm to perform the necessary accounting functions.
- b) The candidate must not have any outstanding judgments against him or her and must provide recent copies of credit reports and credit scores from three major credit reporting agencies: currently, Equifax, Experian and TRW.
- c) The candidate must not have a criminal record and must have a reputation for honesty in the community.
- d) The candidate must be able to obtain an initial \$100,000 bond. Thereafter, the candidate must be eligible for required increases in bonding as needed.
- e) The candidate must provide a business plan per Directive XX XXXX.

Candidates should submit a cover letter, current resume and a completed Special Civil Part Officer Candidate Information/Computerized Criminal History Authorization and Release Form by XXXX XX, XXXX to: John Doe, Civil Division Manager, Any County Superior Court, Special Civil Part, 85 Main Street; Anytown, New Jersey 08000.

**APPENDIX B to ADMINISTRATIVE DIRECTIVE #07-13**

**SPECIAL CIVIL PART OFFICER CANDIDATE INFORMATION  
COMPUTERIZED CRIMINAL HISTORY AUTHORIZATION AND RELEASE FORM**

The form is to be completed by the Special Civil Part Officer candidate and submitted to the Assistant Civil Division Manager for the Special Civil Part together with a cover letter, current resume and a business plan.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

(Number and Street, include Apartment Number if applicable)

Town or City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Other Names Used by Candidate: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Driver's License Number (include issuing state): \_\_\_\_\_

Candidates must not have any outstanding judgments against him/her and must submit recent copies of credit reports from the three major credit-reporting agencies.

I have never been convicted of, found guilty of or pled guilty to any crime or non-criminal offense, including disorderly or petty disorderly persons offenses, driving while intoxicated and offenses where the record was expunged, except the following (check "None" or give details of each conviction and disposition; use and sign additional sheets if necessary):

None \_\_\_\_\_

**COMPUTERIZED CRIMINAL HISTORY AUTHORIZATION AND RELEASE**

I do hereby authorize a review and full disclosure of all records and information concerning myself regarding convictions for any crimes or non-criminal offenses, including, but not limited to, disorderly or petty disorderly persons offenses, driving while intoxicated and offenses where the record was expunged, to any duly authorized agent or representative of the Judiciary of the State of New Jersey. I hereby release, discharge and exonerate the Judiciary, their agents and representatives, and any person so furnishing information pursuant to this Authorization and Release from any and all liability of every nature and kind arising out of the furnishing, inspection or collection of such documents, records and other information or the investigation made by the Judiciary. I understand that any information obtained through a comprehensive criminal history background investigation, which includes fingerprinting and examination of all expunged and non-expunged records, will be considered in determining my suitability for appointment as a Special Civil Part Officer by the Judiciary of the State of New Jersey. I have read and fully understand the contents of this Authorization and Release.

\_\_\_\_\_  
Print

\_\_\_\_\_  
Signature

**APPENDIX C to ADMINISTRATIVE DIRECTIVE #07-13**

**SAMPLE ORDER APPOINTING SPECIAL CIVIL PART OFFICER**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION, SPECIAL CIVIL PART  
\_\_\_\_\_ COUNTY

In the matter of

The Appointment of

**ORDER APPOINTING**

**SPECIAL CIVIL PART OFFICER**

\_\_\_\_\_

As A Special Civil Part Officer

This matter being presented to the court by the Civil Presiding Judge of the Vicinage, pursuant to Administrative Directive #XX-12, and it appearing that \_\_\_\_\_ has agreed, by consent to entry of this order, to comply with all court orders and all court rules, statutes and Administrative Directives pertaining to the Special Civil Part and Special Civil Part Officers,

IT IS HEREBY ORDERED that \_\_\_\_\_ is appointed to act as a Special Civil Part Officer for \_\_\_\_\_ County(ies) in Vicinage \_\_\_\_\_, and as such is authorized to serve and execute summonses, writs, warrants and orders directed to him or her by a judge or the clerk of the Special Civil Part;

IT IS FURTHER ORDERED that \_\_\_\_\_'s authority is limited to the geographical boundaries of \_\_\_\_\_ County(ies) in Vicinage \_\_\_\_\_ unless otherwise permitted by court order, court rule, statute or Administrative Directive;

IT IS FURTHER ORDERED that \_\_\_\_\_'s compensation as a Special Civil Part Officer is to be generated solely from the fees paid by litigants for the service and execution of summonses, writs, warrants and orders and a percentage of the money collected to pay judgments, as provided in N.J.S.A. 22A:2-37.2, Administrative Directive #XX-12 or court order; and

IT IS FURTHER ORDERED that this appointment may be discontinued in the discretion of the court.

Dated: \_\_\_\_\_, \_\_\_\_\_, A.J.S.C.

CONSENT: I, \_\_\_\_\_, hereby consent to entry of the above Order appointing me as a Special Civil Part Officer and I understand that a Special Civil Part Officer is not an employee of the New Jersey Judiciary.

Dated: \_\_\_\_\_

**APPENDIX D to ADMINISTRATIVE DIRECTIVE #07-13**

**SPECIAL CIVIL PART OFFICER PERSONAL DISCLOSURE CERTIFICATION FORM**

I, \_\_\_\_\_, being of full age, do hereby certify as to the following:

A. I have not been charged, found guilty of or pled guilty to any crime or non-criminal offense, including disorderly or petty disorderly persons offenses, driving while intoxicated and offenses where the record was expunged, except the following (state "None" or give details of each conviction and disposition; use and sign additional sheets if necessary).

B. No person(s) has served process on my behalf other than those authorized by the Assignment Judge.

C. I have not been involved (i.e. party to an action), nor to my knowledge has any other immediate family member of mine been involved, with any civil litigation in the county where I am employed as a court officer other than those I have previously disclosed to the Assignment Judge. Immediate family member is defined as anyone living in my household and any child, grandchild, sibling, son-in-law, daughter-in-law, father-in-law, mother-in-law or parent.

D. Every person under my employ has been provided a copy with all applicable Special Civil Part officer policies, procedures, rules and directives and that I certify compliance therewith.

E. As a duly appointed Special Civil Part Officer, I shall, to the best of my ability, comply with all applicable Special Civil Part Officer directives, policies, rules and procedures.

F. No civil judgments and/or liens have been filed against me, personally or otherwise, or against any property in which I have an ownership interest, nor have I entered into any settlement of claims against me, personally or otherwise.

G. I do not hold any position or employment in private business nor have I engaged in other gainful pursuit of employment except as permitted by the Civil Presiding Judge in writing and as disclosed on the Special Civil Part Business Information Certification Form. I have not performed nor have I accepted, any fee, remuneration or any other form of compensation for services provided beyond the official duties of a Special Civil Part Officer or services not required as part of the official duties of a Special Civil Part Officer.

I do hereby certify that the foregoing statements made by me are true and accurate. I understand that if any of the foregoing statements are willfully false, I am subject to punishment under law.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

Dated: \_\_\_\_\_

**APPENDIX E to ADMINISTRATIVE DIRECTIVE #07-13**

**SPECIAL CIVIL PART OFFICER BUSINESS INFORMATION CERTIFICATION FORM**

This form is to be completed by all newly appointed Special Civil Part Officers within thirty (30) days of appointment. Thereafter, this form is to be completed by all existing Special Civil Part Officers, on an annual basis, on a date to be determined by the Assignment Judge or his/her designee, and submitted to the Civil Division Manager and the Finance Division Manager in the respective vicinage.

I, \_\_\_\_\_ being of full age, do hereby certify as to the following information:

My office/business address (including any P.O. Boxes) is:

\_\_\_\_\_

The address where my business records are located (if different than above) is:

\_\_\_\_\_

My work telephone number is: \_\_\_\_\_

My business cell phone number is: \_\_\_\_\_

My fax number is: \_\_\_\_\_

My work email address is: \_\_\_\_\_

A copy of all applicable insurance policies, if any, for my staff and my place of business (excluding bonds) are attached hereto.

The branch address, phone number, and bank account number for all existing Special Civil Part Officer business and trust accounts and any specific branch contact information is as follows: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The names, phone numbers and work addresses of all staff, if any, I employ in a part time, full time or temporary basis are as follows:

Name:

Work Address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**I UNDERSTAND THAT THIS FORM MUST BE UPDATED BY ME UPON ANY CHANGE IN INFORMATION AND IMMEDIATELY SUBMITTED TO THE CIVIL DIVISION MANAGER AND FINANCE DIVISION MANAGER.**

I do hereby certify that the foregoing statements made by me are true and accurate. I understand that if any of the foregoing statements are willfully false, I am subject to punishment under law.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

Dated: \_\_\_\_\_

**APPENDIX F to ADMINISTRATIVE DIRECTIVE #07-13**

**PROCEDURES FOR SERVICE OF PROCESS BY SPECIAL CIVIL PART OFFICERS**

**I. Service of Initial Process – Special Civil Part**

All Special Civil Part Officers who serve initial process shall comply with the following procedures:

**A. Procedures for Serving Summons and Complaint in Tenancy Actions**

**1. Timely Service**

The Special Civil Part Officer will timely receive his/her assigned work in this regard from the Special Civil Part Clerk's office and they must, in turn, timely serve a tenant on or before 10 calendar days prior to the scheduled landlord/tenant trial date

**2. Personal Service**

The Special Civil Part Officer to whom the summons and complaint have been assigned for service must first make an attempt to personally serve the defendant or anyone over the age of 14 who resides in the premises.

**3. Posting**

If the Special Civil Part Officer is unable to make personal service, the Officer must attach a copy to "the door of the unit occupied by the defendant or, if that is not possible, on another conspicuous part of the subject premises."

**4. Completing the Return of Service**

If the Special Civil Part Officer succeeds in making personal service, the Officer must complete the section of the return of service that provides for the date of timely service and describes the individual served. If the Special Civil Part Officer could not make personal service, the Officer must describe the efforts made to personally serve the defendant and then describe the premises if the summons and complaint were posted. The return of service must indicate the date and time of service and be signed by the Officer.

A copy of the completed return of service must then be delivered by the Special Civil Part Officer to the Special Civil Part Clerk's office as soon as possible but no later than the court date.

**B. Procedures for Serving Initial Process in Other Special Civil Part Actions****1. Time for Service**

- a) The first attempt at service must be made within seven days from the date the Special Civil Part Officer received the process from the Special Civil Part Clerk.
- b) Within 30 calendar days after receiving process, a return must be made to the court.
- c) During this 30-day period, at least four attempts at service must be made. At least one attempt must be made after 6:00 p.m. during the week or on the weekend. Each date and time of attempted service must be noted by the Special Civil Part Officer. If the process is unserved, the return must include a description of the premises where service was attempted
- d) If a return is not made within 30 days, no additional matters shall be assigned to the Special Civil Part Officer at the discretion of the Civil Presiding Judge until the Officer is no longer in violation of this provision.

**2. Unserved Process**

a) It is the responsibility of the Special Civil Part Officer to provide as much information as possible when returning the initial process unserved. The Officer must advise the plaintiff of the specific reasons service could not be made. Examples of acceptable reasons are:

- (1) Dangerous animal prevents service;
- (2) Cannot gain entrance to premises, i.e., door locked, fence, etc.;
- (3) Defendant receives mail at the address but does not reside there;
- (4) Defendant is owner of the real estate but does not reside on premises;
- (5) Cannot serve at place of business. This return must also include a certification as to the date, time, and name or description of the person who refused the Special Civil Part Officer permission to serve the process.

If the party to be served is on vacation, the Special Civil Part Officer is not entitled to a reissue fee unless the Officer has proceeded with at least four attempts at service as set forth above.

b) If a specific reason is not given to the plaintiff, a Special Civil Part Officer is not entitled to reservice fees and mileage if the papers are reissued to the same address and if plaintiff presents proof that the previous address furnished is

correct. This proof may be by verification from the post office or telephone calls to neighbors. Where telephone verification is used, plaintiff should include the name and telephone number of the neighbors contacted.

(1) If the address furnished is a large complex, the Special Civil Part Officer is only entitled to a reservice fee if he/she certifies that there is no directory, mailbox, or superintendent that would lead the Officer to the correct apartment or unit.

(2) If the Special Civil Part Officer cannot locate the address and the address does exist, no reservice fees shall be allowed.

### **3. Conflicting Mailing Address**

It is the duty of a Special Civil Part Officer to complete service of process even if the street address of the place of service is actually in a town that has a different mailing address and a different mileage fee from the amount paid by the plaintiff. In the event that additional mileage is due the Special Civil Part Officer, it is his/her responsibility to take the necessary steps to advise the plaintiff to send the additional mileage fee to the Finance Division with the docket number of the case. If the actual location is in a town that carries a lesser mileage than that paid by the plaintiff, the Special Civil Part Officer is entitled to retain the excess.

### **4. Communication with Parties**

It is the duty of each Special Civil Part Officer to establish a location and a telephone number at which he/she can be reached any day during standard court hours of 8:30 am to 4:30 pm.. The Special Civil Part Officer must return all telephone calls within 48 hours. See Sections VI-A and VI-B of this Directive, "Business Office Location" and "Business Hours," respectively.

## **II. Service of Post – Judgment Process-Special Civil Part**

Special Civil Part Officers who serve post-judgment process shall comply with the following procedures:

### **A. Communication with Judgment Creditors and Judgment Creditors' Attorney**

Special Civil Part Officers must notify the judgment creditor or the judgment creditor's attorney within five business days when an execution has been received for his/her case. Requests from judgment creditors or their attorneys for information regarding the status of an execution should be responded to within 15 calendar days.

At the end of two years a chattel execution expires and ordinarily must be returned to the Special Civil Part Clerk's office marked "satisfied," "partially satisfied," or "unsatisfied," with a notation of the amount collected by the Special Civil Part Officer. Wage executions have no such time limit. The Special Civil Part Officer must give the creditor 30 days' notice of intent to return a chattel or wage execution so that the creditor can submit a certification stating how much additional interest must be collected before the execution is returned. The 30-day notice of intent to return a chattel execution shall state that all levies will be released by the Special Civil Part Officer upon the return of the writ unless the writ is extended by order of the court or the creditor obtains an alias or pluries writ. See Attachment A to this Appendix, "Special Civil Part Officer's 30 Day Notice of Intention to Return a Chattel or Wage Execution." Executions should also be returned to the Special Civil Part Clerk's Office within two weeks of a request by the judgment creditor or judgment creditor's attorney. The return of the execution is without prejudice to the Special Civil Part Officer's right to collect fees and dollarage that may be due.

#### **B. Time and Place at Which Levy Can Be Made**

Levies on personal property located inside a home can be made only between the hours of 6:00 a.m. to 10:00 p.m. unless a court order provides otherwise. Special Civil Part Officers cannot enter a debtor's home or a garage attached to the home to make a levy without the debtor's consent unless a court order specifically permits the Officer to enter the home for the purpose of making a levy. Levies on personal property that is not located inside a home can be made at any time, but a Special Civil Part Officer can be required to levy on such property outside the hours of 6:00 a.m. to 10:00 p.m. only if the property cannot be levied upon during those hours.

The Special Civil Part Officer shall issue a pre-numbered receipt for any cash seized and shall make a true inventory of all other property seized at the time of the seizure and shall annex a copy of the inventory and/or cash receipt to the writ. The Officer shall file same with the court and mail to the judgment creditor or judgment creditor's attorney and the debtor, within five days after the levy, a certification of levy and a copy of the inventory, appraisalment and cash receipts.

#### **C. Appraisal Procedure to Ascertain \$1,000 Individual Exemption**

A judgment debtor who is a natural person (i.e., not a corporation or limited liability company) is entitled to an exemption from execution of all wearing apparel and \$1,000 in cash or personal property. To determine the value of the personal property levied upon, for purposes of determining what will be exempt from sale, the Special Civil Part Officer appoints three "discreet and judicious persons" from the county who have no interest in the case, to appraise the property. The appointment must be in writing, contain an oath in which the appraisers swear or affirm to "faithfully, honestly and impartially" appraise the "true and intrinsic value" without regard to the fact that the sale will be made pursuant to court order, and it must be signed by each of the appraisers. On five days' notice to the

judgment creditor or the judgment creditor's attorney, the appraisers set a time and place for the appraisal to take place. The appraisal must be in writing, include a list of the items appraised and their values, and be signed by the appraisers. The debtor then selects items, up to \$1,000 in value, that are exempt from the sale. If the debtor is not present, the selection can be made by the spouse or family, and if they are not present, the selection is made by the appraisers. Each appraiser is paid \$1.00 for their services, which is added to the costs in the case. (See N.J.S.A. 2A:17-19 through 25.)

## **D. Levy Procedures**

### **1. Bank Accounts**

The Special Civil Part Officer levies on a bank account by serving a copy of the writ of execution on a manager or officer of the bank, savings and loan association or credit union where the debtor has an account. The Officer must complete and mail a copy of the Notice to Debtor to the debtor and the creditor on the day the writ is served, even though it may take several days for the bank to notify the officer of the amount of the levy. See Attachment B to this Appendix, "Notice to Debtor." After the bank notifies the Officer of the amount of the levy, the Officer must execute a Certification of Levy and send it to the judgment creditor's attorney, or directly to the creditor if the creditor does not have an attorney. The Officer must also send a copy of the Certification to the Special Civil Part Clerk's Office. When the court issues an order directing the bank to turn over the seized funds, the Officer serves it on the bank and deposits the bank's check into the Officer's trust account. The Officer then deducts 10% for the Officer's fee and remits the balance to the judgment creditor's attorney or to the pro se creditor.

### **2. Other Personal Property**

The Special Civil Part Officer executes on other personal property owned by the debtor by making an actual or constructive levy. An actual levy occurs when the Officer physically seizes the property and takes control of it. A constructive levy occurs when the Officer serves the writ of execution on the debtor but decides, with the consent of the judgment creditor's attorney and the consent of the debtor, to leave the property in the possession of the debtor until the writ is satisfied by payment or the Officer's judicial sale of the property. In either event, if the property consists of inventory that cannot be removed immediately from the premises where they are found, the Officer may lock the premises to prevent its removal by the debtor. If the debtor and creditor do not agree to a constructive levy, the Officer will have to return with a vehicle to remove and then store the inventory. The cost of removing and storing the inventory is the immediate responsibility of the creditor, but the creditor subsequently may be able to recover those costs from the debtor. At the time of the levy the Officer shall provide the debtor or custodian of the debtor's assets with a list of the items seized and a pre-

numbered receipt for any cash that has been seized. These procedures apply to motor vehicles, but additional procedural requirements also apply (see below).

#### **E. Levies on Motor Vehicles**

Before the Special Civil Part Officer levies on an automobile, the judgment creditor's attorney, or the pro se litigant, must show absolute proof in the form of a motor vehicle abstract that the name of owner is the same name on the execution. The Vehicle Identification Number (VIN) must also be on the abstract. There are two options for levying on the vehicle:

##### **1. Actual Levy by Seizure**

The attorney or pro se creditor must provide the Special Civil Part Officer with a letter stating that the creditor will hold the Special Civil Part Officer harmless for any damages that may result from the seizure of the automobile. The attorney or pro se creditor is responsible for making arrangements with an in-county towing company to be present at the time of the levy, to tow the vehicle to a storage facility in the county and to pay the storage fees that accumulate pending the judicial sale. The company must be bonded to cover the value of the vehicle and agree to store the vehicle in the county after the levy has been made. If the Special Civil Part Officer has reason to believe that a breach of the peace may occur during the levy, the Officer should contact the local police department and ask that a police officer be present. After making the levy, the Special Civil Part Officer must file the applicable Motor Vehicle Commission form with the Commission that describes the vehicle and identifies the name and address of the debtor and attach to the form a copy of the execution. The Commission will then require the debtor to surrender the title papers to the Commission.

##### **2. Constructive Levy**

If the vehicle is locked inside a garage or the Special Civil Part Officer chooses, with the consent of the debtor and the judgment creditor's attorney or the pro se creditor, to leave the vehicle in the possession of the debtor, the Special Civil Part Officer then sends or delivers the Notice to Debtor to the debtor and files the above-mentioned form and a copy of the execution with the Motor Vehicle Commission. The Commission will then require the debtor to surrender the title papers.

#### **F. Notice to Debtor**

The Court Rules require that on the day the Special Civil Part Officer levies on personal property, the Special Civil Part Officer must send a copy of the Notice to Debtor set forth in Appendix VI to the Court Rules by ordinary mail to the debtor and to the attorney for

the judgment creditor, or to the creditor if the creditor is not represented by counsel. See Attachment B, "Notice to Debtor." The Special Civil Part Officer must also file a copy with the Special Civil Part Clerk's Office, but this does not have to be done if the levy was made on a bank account.

### **G. Certification of Levy**

The Special Civil Part Officer must then execute a certification of levy stating the date, time, place and amount of the levy and send it to the judgment creditor's attorney or the pro se creditor. In cases involving bank levies, the certification of levy does not have to be executed until the bank notifies the Special Civil Part Officer of how much money was seized as a result of the levy. The Officer must also file a copy with the Special Civil Part Clerk's Office.

### **H. Execution Sales**

#### **1. Threats to Sell Personal Property**

Special Civil Part Officers shall not post execution sale notices unless they intend to actually hold such a sale. Special Civil Part Officers shall not threaten to hold a sale of a debtor's personal property when one cannot be held, or when a sale can be held but there is no real intention to do so.

The Special Civil Part Officer may utilize the notices set forth in this Directive to tell a debtor what steps may be taken to enforce a judgment. See Attachments C and D, "Sample Notices to Defendants." Both notices should contain the seal of the Superior Court. The purpose of these notices is to stimulate the debtor to contact the Special Civil Part Officer to arrange to make payment, without making idle threats.

Neither such notice is a substitute for the Notice to Debtor prescribed by Rule 6:7-1(b), which is served on the debtor when the levy is actually made, nor are they a substitute for the notice of sale indicating the time and place of the intended sale that is to be posted in the sheriff's office.

#### **2. Notice of Sale**

In setting the date for a public sale of personal property that has been levied upon pursuant to an execution, the Special Civil Part Officer must allow at least 10 days' notice of the sale date to be served by the judgment creditor's attorney, or the pro se creditor, by certified mail, return receipt requested, on all parties to the action, the owner of record and any person who has an interest in the property that has been recorded in public records of any court or the county. The Special Civil Part Officer must

then post a notice of sale in the sheriff's office at least five days before the date of the sale. The notice must be signed by the Special Civil Part Officer and state the date, time and place of the sale and, if the sale involves a motor vehicle, the notice must contain a description of the motor vehicle. The Officer must also file a copy with the Special Civil Part Clerk's Office.

### **3. Place of Sale**

The sale must ordinarily be conducted at the sheriff's office, but may take place at the facility where a vehicle has been stored, or at the debtor's home, if household belongings are to be sold.

### **4. After the Sale**

If a vehicle has been sold, the Special Civil Part Officer must execute and deliver to the purchaser an application for a certificate of ownership, in the form prescribed by the Motor Vehicle Commission, which will contain the name and address of the person from whom the motor vehicle was taken. A copy of the execution and a copy of the notice of sale must be attached to the application. Within 30 days after the sale of any personal property, the Special Civil Part Officer must file a certification with the Special Civil Part Clerk which sets forth the Special Civil Part Officer's bill of costs and execution fees, the date, place and time of the sale, the amount due on the execution as of the date of the sale and the amount for which the property was sold. The creditor will then file a motion for an order directing the Special Civil Part Officer to turn over the net proceeds.

## **I. Resolution of Disputes Regarding Fees and Dollarage**

Pursuant to N.J.S.A. 22A:2-37.2, a Special Civil Part Officer is entitled to his or her fee or dollarage when a levy made by the Special Civil Part Officer is the effective cause in producing payment or settlement of a judgment. Special Civil Part Officers retain the right to collect their fees or dollarage through an independent civil lawsuit and/or a motion in the underlying case. Issues pertaining to the appearance of conflicts as a result of any such lawsuit or motion shall be addressed by the Assignment Judge or designee assigned to hear the suit or motion.

## **J. Coordination of Collection Efforts With Other Officers**

On any given case there may be more than one execution issued to two or more Special Civil Part Officers. Upon receiving notice that this has occurred, each Officer must contact the other Officers and coordinate their collection efforts to avoid overpayment by the Debtor.

### **III. Service of Post – Judgment Process Issued by the Civil Part**

Special Civil Part Officers who serve post-judgment process issued by the Civil Part in L and DJ docket type cases shall comply with the process outlined above in Section II of this Attachment, and in addition shall comply with the following:

#### **A. Rule Requirements**

All writs of execution and/or possession bearing L or DJ docket numbers are filed and cognizable in the Superior Court, Law Division. As such, said executions are governed by R. 4:59-1(a) which states that “Unless the court otherwise orders, every writ of execution shall be directed to a sheriff ...” This rule and R. 6:1-1(a) both state that “A writ of execution issued by the Civil Part of the Law Division shall not be directed to a Special Civil Part Officer except by order of the Civil Presiding Judge and such order shall specify the amount of the Officer’s fee.” Rule 6:1-1(a) further requires the Special Civil Part Officer in such cases, “... to account to the court for all funds collected and disbursed pursuant to the writ and ... to obtain and file a bond in such sum and form as the Civil Presiding Judge may deem necessary.” To aid in tracking such orders, the Civil Presiding Judge shall file them in the Civil Part and send a copy to the Special Civil Part Clerk.

The Officers shall not serve or process any such executions absent compliance with these rules. Specifically, the Officers shall not serve or process any such executions absent the Officer’s fee being addressed in the order. The Officers shall be required to present a copy of any such order to the Civil Division Manager prior to processing any such execution.

#### **B. Bond Requirements for Civil Part Executions**

In matters cognizable in the Civil Part, where the judgment amount exceeds \$15,000, Special Civil Part Officers shall provide such bond or other security as may be necessary to indemnify creditors and the State of NJ in the event of loss or misuse of funds. This amount shall be set forth in the aforementioned order and the Officers shall be required to present proof of compliance with the bonding requirements to the Civil Division Manager and the Finance Division Manager prior to processing executions as defined in this section.

#### **C. Geographic Limitation**

Special Civil Part Officers shall not serve nor process any executions, as defined in this section, outside the geographic limits of the county/venue in which he/she has been appointed.

#### **IV. Procedures and Fees for Evictions**

##### **A. Service and Execution of Warrant for Removal**

A warrant for removal cannot be executed by a Special Civil Part Officer earlier than the third business day after service on a residential tenant. This additional three day period does not apply to commercial tenancies; the Special Civil Part Officer may proceed to evict a commercial tenant on the day a warrant is served. The warrant must be executed between the hours of 8:30 a.m. and 4:30 p.m. on a day when court is in session in order to permit the tenant to seek relief from the warrant while the court is still in session that day. A Special Civil Part Officer who has reason to believe that a breach of the peace may occur during the execution of the warrant for removal should request assistance from the local police department. The police cannot execute the warrant, but they can stand by to prevent a breach of the peace.

##### **B. Fee for Issuance of a Warrant for Removal in Tenancy Actions**

The court shall charge a landlord \$15.00 for issuance of the warrant for removal in tenancy actions, plus mileage, to serve the warrant.

##### **C. Mileage for Service of the Warrant**

The court shall pay the Special Civil Part Officer \$10.00 plus mileage for service of the warrant. Mileage is allowed only for travel actually incurred in serving or executing the warrant. In no event is mileage to be collected by the Special Civil Part Clerk or the Special Civil Part Officer for an "anticipated" execution, since the execution in many instances in fact may prove not to be necessary.

##### **D. Maximum Fee for Additional Services**

For each execution of a warrant for possession in tenancy, the Special Civil Part Officer, pursuant to prior arrangement with and agreement of the landlord, may charge up to a maximum of \$50.00, plus mileage, for any services relating to execution of the warrant, the eviction of the tenant, and the restoration of the landlord to possession. The fees for additional services and mileage shall be paid by the landlord directly to the Special Civil Part Officer and the Special Civil Part Officer must indicate the amounts thus received in the spaces designated for that purpose on the warrant and issue a prenumbered receipt for those amounts to the landlord. If the landlord does not agree to pay for additional services, the Special Civil Part Officer shall execute the warrant upon payment of the mileage by the landlord, but without performing any additional services.

**ATTACHMENT A to APPENDIX F –  
ADMINISTRATIVE DIRECTIVE #07-13**

**SPECIAL CIVIL PART OFFICER'S 30 DAY NOTICE OF INTENTION  
TO RETURN A CHATTEL OR WAGE EXECUTION**

To: \_\_\_\_\_ From: Officer \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WRIT # \_\_\_\_\_  
WAGE # \_\_\_\_\_  
VJ# \_\_\_\_\_

Docket No.: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Case Caption \_\_\_\_\_  
Vs.  
\_\_\_\_\_

Dear Sir/Madam:

New Jersey Court Rule 6:7-1(a) requires that I provide you with 30 days' notice, of my intention to return the above noted execution to the Special Civil Part Clerk's Office. Unless I receive further instruction from you or the court within 30 days hereof, I must return this execution. In addition, I must also contemporaneously instruct the applicable bank or other financial institution to release any levy and otherwise return any other personal property to the debtor that may have been frozen or levied upon, unless you obtain another writ or a court order extending the life of this writ.

The specific reason(s) for my intention to return the above execution is as follows:

\_\_\_\_\_ A writ of execution issued out of the Superior Court, Law Division, Special Civil Part shall remain valid and effective for the purpose of a levy, and shall be operative and effective against any goods and chattel levied upon, for only two years from the date of its issuance, unless sooner satisfied. Thereafter, it shall be void. [N.J.S.A. 2A:18-27] This writ will expire within 30 days hereof.

\_\_\_\_\_ I have completely satisfied this wage execution [Also Rule 6:7-3(b)]

\_\_\_\_\_ I have completely satisfied this chattel execution.

\_\_\_\_\_ I have partially satisfied this wage execution.

\_\_\_\_\_ I have partially satisfied this chattel execution.

\_\_\_\_\_ This wage execution is unsatisfied

\_\_\_\_\_ This chattel execution is unsatisfied.

\_\_\_\_\_ An asset/employment cannot be located. If you have additional asset/employment information kindly forward a request to the court to issue an amended or alias execution.

(Additional Comments) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ATTACHMENT B to APPENDIX F – ADMINISTRATIVE DIRECTIVE #07- 13**

**NOTICE TO DEBTOR**

[RULES APPENDIX VI – NOTICE TO DEBTOR (Rules 4:59-1(g) and 6:7-1(b))]

Re: \_\_\_\_\_  
\_\_\_\_\_

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION, SPECIAL CIVIL PART  
\_\_\_\_\_ County

v. \_\_\_\_\_  
\_\_\_\_\_

Docket No: \_\_\_\_\_

**NOTICE TO DEBTOR**

To: \_\_\_\_\_, designated defendant:

An attempt has been made to levy upon your asset, in an amount not to exceed \$ \_\_\_\_\_ at the instruction of: \_\_\_\_\_ to satisfy in whole or in part the judgment against you in the above matter. If you are an individual rather than a business entity, some property may be exempt from execution by Federal and State law, including but not limited to clothing and a total of \$1,000.00 of cash and personal property, except for goods purchased as part of the transaction, which led to the judgment in this case. In addition, welfare benefits, social security benefits, S.S.I. benefits, V.A. benefits, unemployment benefits, workers' compensation benefits and child support you receive are exempt, even if the funds have been deposited in a bank account. If any funds belong to a joint owner an objection to the levy can be filed to release the funds not owned by the debtor from the levy.

If the levy is against an account at a bank listed below, the bank has already been notified to place a hold on any account that you may have at the bank. However, the funds will not be taken from your account until the court so orders. If you are entitled to an exemption as an individual, you may claim your exemption by notifying the clerk of the court and the person who ordered this levy of your reasons why your property is exempt. This claim must be in writing and if it is not mailed within 10 days of service of this notice, your property is subject to further proceedings for execution. The address of the court is: \_\_\_\_\_. If this judgment has resulted from a default, you may have the right to have this default judgment vacated by making an appropriate motion to the court. Contact an attorney or the clerk of the court for information on making such a motion, or, for forms and instructions, go to: [www.judiciary.state.nj.us/prose/10543\\_motion\\_spcv1.pdf](http://www.judiciary.state.nj.us/prose/10543_motion_spcv1.pdf).

**A Writ of Execution has been served on the following:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

The name and address of the person who ordered this levy is:

**CERTIFICATION OF SERVICE**

I mailed a copy of this notice to the defendant(s) and the person who requested the levy on \_\_\_\_\_, 20\_\_\_\_, the same day this levy was made or the execution was served on a bank. I certify that the foregoing statements made by me are true. I am aware that if the foregoing statements made by me are willfully false, I am subject to punishment.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Court Officer)

**SAMPLE NOTICE TO DEFENDANT  
SUPERIOR COURT OF NEW JERSEY LAW  
DIVISION, SPECIAL CIVIL PART  
\_\_\_\_\_ COUNTY**

**[SEAL]**

\_\_\_\_\_  
Plaintiff

v.

Docket No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

**NOTICE TO DEFENDANT**

On the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, a judgment was entered against you by this Court. A copy of the writ of execution is attached showing the total amount due.

The following steps or any one of them can and will be taken to collect this judgment and may result in additional costs unless you contact the undersigned Court Officer immediately and make satisfactory arrangements to pay the total due.

Except for public benefits such as welfare, Social Security, S.S.I., Veterans', unemployment, and workers' compensation, your cash assets may be seized.

Your personal property may be seized and sold.

You may be entitled to an exemption of \$1,000 in cash and personal property.

Goods that were part of the transaction that led to this judgment may be seized regardless of value.

A portion of your wages over \$217.50 per week may be paid to plaintiff.

A lien may be placed against your real estate.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Special Civil Part Officer  
Telephone No.  
PO Box or Street Address  
Town, NJ ZIP

**SAMPLE NOTICE TO DEFENDANT**

**SUPERIOR COURT OF NEW JERSEY LAW**

**DIVISION, SPECIAL CIVIL PART**

\_\_\_\_\_ COUNTY

[SEAL]

\_\_\_\_\_  
Plaintiff

v.

Docket No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

**NOTICE TO DEFENDANT**

On the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, a judgment was entered against you by this Court in the amount of \$ \_\_\_\_\_ plus costs and fees of \$ \_\_\_\_\_, for a total due of \$ \_\_\_\_\_.

To date, this judgment remains unpaid. Unless you contact me immediately and make satisfactory arrangements to pay the total due, I shall apply to the Court for an Order permitting me to enter your home to levy on your household goods and furnishings, inventory them and have them appraised so that the value in excess of \$1,000 may be sold at public auction to the highest bidder to satisfy the judgment.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Special Civil Part Officer  
Telephone No.  
PO Box or Street Address  
Town, NJ XXXXX

## APPENDIX G to ADMINISTRATIVE DIRECTIVE #07-13

### FINANCIAL REQUIREMENTS FOR SPECIAL CIVIL PART OFFICERS

#### Introduction

The requirements set forth in this Appendix G to Administrative Directive #07-13 deal with banking, record keeping, collections, disbursements, escheatment and the annual financial examination.

#### I. Banking

##### A. Trust Account

The Special Civil Part Officer must maintain a Trust Account for collections received on executions and for making disbursements to judgment creditors. When the Trust Account is established, the Special Civil Part Officer should immediately disclose the name of the banking institution, the branch and the account number to the Trial Court Administrator, the Civil Division Manager and the Finance Division Manager.

1. The bank account must be a non-interest bearing checking account in a bank authorized to do business in the State of New Jersey.
2. The name of the bank account, all checks drawn on the account and all deposit tickets must include the words "Trust Account."
3. This Trust Account must be separate from any other business or personal accounts that the Special Civil Part Officer may maintain. Personal funds of the Special Civil Part Officer must not be co-mingled with collections in the Trust Account.
4. The Special Civil Part Officer will not request nor accept an ATM card associated with the Trust Account.
5. Fees earned by the Special Civil Part Officer will be held in the Trust Account until disbursed to the Special Civil Part Officer.
6. Deposits must consist of the exact amount of collections and/or replenishments of bank service fees.
7. The Special Civil Part Officer must replenish any service fees charged to the account by the bank within 20 business days of notification of the charge.

**B. Trust Account Bank Reconciliation**

The bank reconciliation process serves to reconcile the cash receipts and disbursements journals and cash book balance recorded in the Accounting System of the Special Civil Part Officer with the records of the bank as indicated on the monthly bank statement.

The bank reconciliation must include the preparation of an Outstanding Check list that indicates all checks that have been issued and not cashed by the bank as of the last date of the bank statement. The Outstanding Check List must contain the following:

Check Date  
Check Number  
Venue/Docket Number  
Payee  
Amount

The amounts and dates of deposits in transit, if any, must be listed individually on the bank reconciliation.

Any errors or discrepancies identified by the bank or the Special Civil Part Officer must be addressed within five business days of the receipt of notice from the bank that an error or discrepancy has occurred or the availability of the bank statement, whichever is sooner.

Each month the Special Civil Part Officer must submit a copy of the Trust Account bank statement, the associated bank reconciliation and outstanding list in the format prescribed above. Additionally, documentation must be included to support the manner in which any errors or discrepancies were addressed. This complete submission must be forwarded to the Finance Division Manager within 20 business days after the end of the previous month. See Attachment A to this Appendix, "Sample Bank Reconciliation." If there are unaddressed errors or deficiencies, the Finance Division Manager will advise the Trial Court Administrator and Civil Division Manager. The Assignment Judge or designee will determine if additional work will be assigned to the Special Civil Part Officer while the error(s) or deficiency(ies) remains unaddressed.

**C. Outstanding Checks**

The Special Civil Part Officer shall review the Outstanding Check list monthly to determine if any check has remained outstanding for more than three months. The Special Civil Part Officer shall contact the payees of such checks and additional disbursements shall not be made to them until the verification of their address has been made by the Special Civil Part Officer.

## II. Accounting System

The Special Civil Part Officer must maintain a computerized Accounting System for recording and processing financial transactions pertaining to executions that are managed by the Special Civil Part Officer.

The following two options regarding an Officer's computer shall be available to the Officer. The computer utilized shall either be used solely for the purpose of processing transactions related to the executions the Officer is managing OR, in the alternative, be equipped with two hard drives, one of which shall be used solely for the purpose of processing transactions related to the executions the Officer is managing. No personal or non-business related data shall reside on either a business-only computer or a business-only hard drive. The AOC or the Trial Court Administrator may, at any time, require that the business-only hard drive or the hard drive of the business-only computer be temporarily surrendered so that an image of the drive can be made. In the event the business-only computer or the business-only hard drive houses personal or non-business related data and an image of the hard drive must be made by AOC and/or vicinage personnel, the Officer's expectation of privacy is relinquished.

Officers who currently maintain their records manually must transition to a computerized Accounting System by the end of the next review period following the date this Administrative Directive is issued. All active writs assigned to the Officer must be back loaded on the system. The Accounting System used may be developed by the Special Civil Part Officer and, as such, the system must contain the basic components needed for the recording of and reporting on financial transactions, calculating the amount that is due to the judgment creditor and calculating the amount due in fees to the Officer.

## III. Financial Reporting

The Special Civil Part Officer must maintain the following financial reports:

- A. **Cash Receipts Journal**  
A recording and summation of all collections received/bank deposits.
- B. **Cash Disbursement Journal**  
A recording and summation of all disbursements.
- C. **Individual Subsidiary Ledgers**  
An individual record in the Accounting System on which every execution issued to the Special Civil Part Officer is documented, the collections and disbursements pertaining to the execution are documented and the remaining balances to be collected are maintained.
  - 1) The ledger must contain the name of the judgment-debtor, the title of the case and court, the docket number, the nature of the execution, the date the execution was issued, the name and address of the garnishee, if any, as

well as the name and address of the attorney or person to whom remittances are to be made and remarks.

- 2) The ledger must indicate the amount collected and due to the judgment creditor, the fees which the Special Civil Part Officer has earned and the total amount due from the judgment debtor.
- 3) The ledgers must be maintained in alphabetical order or numerically and indexed.

**D. Accounts Receivable**

A listing of all open executions with the amount remaining to be collected.

**E. Accounts Payable**

A listing of all collections received, deposited, posted and due to be disbursed on executions and the related fees due to the Special Civil Part Officer.

**F. Collections Not Disbursed**

A listing of all collections received and deposited but not yet posted to the execution.

**G. Check Register**

A listing of all checks disbursed by the Special Civil Part Officer.

**IV. Collections and Disbursements**

**A. Collections: Judgment Debtor**

1. The judgment debtor shall make all checks payable to the Special Civil Part Officer whose name appears on the execution and shall be advised to include the name of the case and the docket number on the face of the check.
2. Collections on executions must be deposited into the trust account within five business days of receipt of the collection by the Special Civil Part Officer.
3. Collections on executions must be deposited into the established Trust Account only.
4. Copies of deposit slips and checks must be maintained and available for audit review.

**B. Manual Receipts**

The Special Civil Part Officer must issue a manual receipt any time currency is received.

The Special Civil Part Officer must maintain a manual receipt book with original and duplicate pre-numbered receipts. The manual receipt must contain all information pertaining to the receipt of the currency, that is, the amount of the currency received, the date the payment was received, the name of the party making the payment, the title of the case and docket number.

Voided receipts must be retained and available for audit review.

**C. Disbursements: Judgment Creditor or His/Her Attorney**

1. Disbursements must be paid by check to the judgment creditor or his/her attorney.
2. Checks shall be issued in sequential order; any deviation from sequential order must be documented.
3. Disbursements must be made at least monthly; disbursements may be made more frequently than monthly at the discretion of the Special Civil Part Officer or as ordered by the court.
4. Disbursements must be made by the 15th day of the month following the month of deposit.
5. Voided checks must be retained and available for audit review.
6. Cash withdrawals from the Trust Account are prohibited.

**D. Disbursements: Special Civil Part Officer Commission**

A Special Civil Part Officer's commission (also known as dollarage) is earned when monies are collected, applied to the execution and deposited into the Special Civil Part Officer's Trust Account. Advances on unearned dollarage are strictly prohibited.

Special Civil Part Officer dollarage must be disbursed by electronic transfer or check from the trust account to the Special Civil Part Officer at least monthly. Dollarage checks must be cashed or deposited within 30 days from date of issuance.

## **V. Escheatment**

The Special Civil Part Officer shall escheat unclaimed and undeliverable funds annually to the State of New Jersey Treasury, Unclaimed Property Section, in accordance with the requirements of the State of New Jersey Treasury, Unclaimed Property section pursuant to N.J.S.A. 46:30B-1 et seq. The escheat process shall be performed by November 1 of each year for the period ending the prior June 30. By November 15th of each year, the Special Civil Part Officer shall report in writing to the Trial Court Administrator or designee to confirm compliance with this escheatment requirement.

The Special Civil Part Officer must maintain a record of the information regarding ownership of funds that have been escheated for 10 years following the escheatment.

There are two types of funds to be considered for escheatment:

### **A. Escheatment of Outstanding Checks**

The Special Civil Part Officer shall determine if there are outstanding checks that are eligible to be escheated by reviewing the Outstanding Check List from the June 30 bank reconciliation. Checks that have remained outstanding, or not cashed, for one year or longer from the date of issue are eligible for escheat. For example, as of June 30, 2011, checks issued from July 1, 2009 through June 30, 2010 that are outstanding on June 30, 2011 shall be escheated by November 1, 2011.

After identifying the eligible checks that shall be escheated, the Special Civil Part Officer shall prepare a list of the eligible checks along with the names and addresses of the payees/owners of the eligible checks and amounts. The list, along with a check drawn on the trust bank account for the total amount of the eligible checks to be escheated, must be forwarded to the State of New Jersey, Treasury, Unclaimed Property by November 1.

When the monies are escheated, the eligible checks shall be removed from the Special Civil Part Officer's Outstanding Check List for the month in which the escheat has occurred.

### **B. Escheatment of Unclaimed/Unidentified Collections**

The Special Civil Part Officer shall determine if there are funds that have been collected that cannot be identified and disbursed due to the lack of payee information, etc. that are eligible to be escheated.

## **VI. Financial Examination**

*An Agreed-Upon Procedures Engagement*, performed in accordance with *Attestation Standards* established by the American Institute of Certified Public Accountants, is to be conducted to examine the financial records of the Special Civil Part Officer.

**A. Accounting Firm Designation**

The firm selected must have the certified public accountant designation and be in good standing with the New Jersey State Board of Accountancy.

**B. Accounting Firm Selection**

The firm selected must not be engaged in performing any other accounting work for the Special Civil Part Officer, whether of a personal nature or in relation to the financial records of the Special Civil Part Officer.

**C. Accounting Firm Approval**

Before engaging the firm to conduct the financial examination, the Special Civil Part Officer shall submit the firm's name and qualifications to the Trial Court Administrator. The Trial Court Administrator, in conjunction with the Vicinage Finance Division Manager, shall review the name(s) submitted and advise the Special Civil Part Officer of the approval of the accounting firm or advise the Special Civil Part Officer that the accounting firm is not approved.

**D. Frequency of Financial Examination**

Financial examinations shall be conducted on an annual basis for the period of July 1 through June 30. Those Officers not presently on this cycle may have a "stub period" examination performed which shall cover the period from the last day of their previous examination period to the next occurring June 30. Alternatively, Officers whose examination cycle ends on December 31, 2013 may extend the current cycle an additional 6 months to June 30, 2014 and subsequent cycles shall cover the period of July 1 through June 30.

In addition, upon the cessation of an Officer's appointment for any reason the Officer shall be responsible for the cost of providing a concluding financial examination report. This report shall cover the period from the last day of their previous examination period through the date of the cessation of their appointment. A draft report is required by the end of the third month following cessation and the final report is required 30 days thereafter, unless otherwise provided by a court order.

**E. Cost of the Financial Examination**

The cost of each financial examination is the responsibility of the Special Civil Part Officer. The Special Civil Part Officer is responsible for entering into an agreement with the accounting firm to perform the examination and for prompt payment of the firm's fee.

**F. Accounting Firm's Work Papers**

The accounting firm's working papers that are relative to the financial examination shall be made available to the Internal Audit Unit of the Administrative Office of the Courts and/or Vicinage Finance Manager upon request.

**G. The Financial Exam Method and Form**

1. The accounting firm must agree to conduct the examination pursuant to Independent Accountant's Report on Agreed-Upon Procedures. See Attachment B, "Sample Independent Accountant's Report On Agreed Upon Procedures."
2. The financial examination procedures apply to all executions issued to the Officer by the Civil Part and the Special Civil Part of the Superior Court, Law Division.
3. The accounting firm is permitted to make inquiry into any execution assigned to the Special Civil Part Officer, whether issued out of the Civil Part, Special Civil Part of that Vicinage, or out of another Vicinage.
4. The accounting firm must utilize the Central Writ Register and the list of Civil Part writs assigned to the Officer, obtained from the Civil Division Manager or designee, to verify that all executions assigned to the Special Civil Part Officer are included in the financial examination and are recorded in the Special Civil Part Officer's Accounting System.
5. The accounting firm shall have access to any other books and records of the Special Civil Part Officer to the extent required for the financial examination.
6. The accounting firm may communicate directly with a representative sample of judgment debtors and judgment creditors to verify payments made or received or to confirm the balance to be collected on the executions.
7. Letters of verification that confirm the balance remaining to be collected on an execution shall be mailed by the accounting firm to a representative number of judgment debtors, judgment creditors, and garnishees. Numbers of letters to be sent shall be determined by the accounting firm based on their criteria. See Attachment C, "Letter of Verification."

**ATTACHMENT D to APPENDIX G – ADMINISTRATIVE DIRECTIVE #07-13**

**Monthly Cash Receipts and Disbursements**

**COURT OFFICER - JOHN DOE  
SPECIAL CIVIL PART SUPERIOR COURT OF NEW JERSEY  
CASH SUMMARY STATEMENT (Sample)**

**CASH RECEIPTS:**

		<u>Total Cash Receipts Collected</u>	<u>Fees Earned</u>	<u>Trust Funds Collected</u>
July	2008	\$33,678.00	\$3,199.41	\$30,478.59
August	2008	\$42,689.22	\$4,055.48	\$38,633.74
September	2008	\$37,598.33	\$3,571.84	\$34,026.49
October	2008	\$38,945.32	\$3,699.81	\$35,245.51
November	2008	\$41,987.56	\$3,988.82	\$37,998.74
December	2008	\$37,589.66	\$3,571.02	\$34,018.64
January	2008	\$42,785.64	\$4,064.64	\$38,721.00
February	2008	\$37,598.33	\$3,571.84	\$34,026.49
March	2008	\$38,945.32	\$3,699.81	\$35,245.51
April	2008	\$41,987.56	\$3,988.82	\$37,998.74
May	2008	\$37,589.66	\$3,571.02	\$34,018.64
June	2008	\$42,785.64	\$4,064.64	\$38,721.00
<b>Total Cash Receipts</b>		<b>\$474,180.24</b>	<b>\$45,047.15</b>	<b>\$429,133.09</b>

**CASH DISBURSEMENTS:**

		<u>Total Cash Disbursements</u>	<u>Fees Disbursed</u>	<u>Trust Funds Disbursed</u>
July	2008	\$33,678.00	\$3,199.41	30,478.59
August	2008	\$42,689.22	\$4,055.48	38,633.74
September	2008	\$37,598.33	\$3,571.84	34,026.49
October	2008	\$38,945.32	\$3,699.81	35,245.51
November	2008	\$41,987.56	\$3,988.82	37,998.74
December	2008	\$37,589.66	\$3,571.02	34,018.64
January	2008	\$42,785.64	\$4,064.64	38,721.00
February	2008	\$37,598.33	\$3,571.84	34,026.49
March	2008	\$38,945.32	\$3,699.81	35,245.51
April	2008	\$41,987.56	\$3,988.82	37,998.74
May	2008	\$37,589.66	\$3,571.02	34,018.64
June	2008	\$42,438.64	\$3,864.64	38,574.00
<b>Total Cash Disbursements</b>		<b>\$473,833.24</b>	<b>\$44,847.15</b>	<b>428,986.09</b>

**SUMMARY OF CASH BALANCES**

Trust Account Book Balance - July 1, 2008	\$0.00
Plus: Cash Receipts Collected	\$474,180.24
Less: Cash Disbursed	\$473,833.24
<b>Total Account Book Balance June 30, 2009</b>	<b>\$347.00</b>

**ATTACHMENT E to APPENDIX G - ADMINISTRATIVE DIRECTIVE #07-13**

**Pending Disbursements**

**COURT OFFICER - JOHN DOE  
SPECIAL CIVIL PART SUPERIOR COURT OF NEW JERSEY  
Analysis of Adjusted Book Balance (Sample)**

**Funds Received, Deposited and Pending Disbursements**

<u>DEPOSIT DATE</u>	<u>Venue - Docket Number</u>	<u>AMOUNT</u>
6/28/2009	Mer-DC-XXXXXXX-09	\$35.00
6/28/2009	Mer-DC-XXXXXXX-09	\$112.00
	Commissions	\$200.00
<b>Total Funds Received, Deposited and Pending Disbursements</b>		<b>\$347.00</b>

## **H. Financial Examination Report Content**

1. The financial examination report shall include a list of procedures performed and results obtained that will indicate if the Special Civil Part Officer has met the requirements of this Directive.
2. The financial examination report shall include a listing of monthly cash receipts and disbursements for the examination period and the amount of fees earned by the Special Civil Part Officer each month during the examination period. See Attachment D, "Monthly Cash Receipts and Disbursements."
3. The financial examination report shall include a listing of all pending disbursements. See Attachment E, "Pending Disbursements."

## **I. Financial Examination Report Submission**

A draft of the accounting firm's financial examination report must be provided to the Vicinage Finance Division Manager and the Chief of Internal Audit by September 30. The Chief of Internal Audit shall provide any comments concerning the report to the Vicinage Finance Manager prior to October 31st. Deficiencies in the form of the draft report, and/or the information contained therein, shall be communicated by the Vicinage Finance Division Manager to the Special Civil Part Officer and the accounting firm by October 31st.

The final financial examination report shall be provided to the Special Civil Part Officer, the Trial Court Administrator, the Civil Division Manager, the Vicinage Finance Division Manager, and the Chief of Internal Audit by November 15th.

Acceptance of the financial examination report by the Trial Court Administrator, in conjunction with the Vicinage Finance Division Manager, and by the Chief of Internal Audit is contingent upon the report being in compliance with the procedures set forth.

## **J. Officer's Statement on the Issued Report**

Upon the issuance of the financial examination report, each Special Civil Part Officer shall submit in writing to the Trial Court Administrator, or designee and the Vicinage Finance Manager, a statement which details their agreement or disagreement with the results of the Agreed Upon-Procedures examination as presented in the report.

This statement shall be submitted even if no exceptions are indicated by the accounting firm and is due no later than five business days subsequent to the issuance of the final financial examination report.

**K. Officer's Corrective Action Plan**

If exceptions are indicated in the financial examination report, the Special Civil Part Officer shall submit to the Trial Court Administrator, or designee, and the Vicinage Finance Manager a written plan which will indicate how the officer intends to address and eliminate the conditions causing the aforementioned exceptions.

This plan shall be submitted in conjunction with the Officer's statement no later than five business days subsequent to the issuance of the final financial examination report.

**L. Vicinage Letter of Acceptance**

Subsequent to the receipt, review, and acceptance of an Officer's financial examination report, Officer's statement, and corrective action plan (if any) by the vicinage, the Trial Court Administrator, or designee, shall provide to the Chief of Internal Audit a letter indicating the vicinage's review and acceptance of these documents.

Said letter shall be submitted no later than five business days subsequent to the acceptance of the documents by the vicinage but no later than November 30.

SAMPLE BANK RECONCILIATION

COURT OFFICER - JOHN DOE  
SPECIAL CIVIL PART SUPERIOR COURT OF NEW JERSEY  
Bank Reconciliation (Sample)

Balance per Bank at June 30, 20xx	\$	8,467.52
Add: Deposits in Transit	\$	3,165.00
Less: Outstanding Checks	\$	(11,285.52)
Adjusted Book Balance June 30, 20xx	\$	<u>347.00</u>

**COURT OFFICER - JOHN DOE  
SPECIAL CIVIL PART SUPERIOR COURT OF NEW JERSEY  
Outstanding Check List @ June 30, 20xx (Sample)**

<u>CHECK DATE</u>	<u>CHECK NO.</u>	<u>VENUE - Docket Number</u>	<u>PAYEE</u>	<u>AMOUNT</u>
12/31/2008	17339	Mer-DC-xxxxxx-09	xxxxxxx xxxxxxxx	\$ 135.82
1/28/2009	17459	Mer-DC-xxxxxx-09	xxxxxxx xxxxxxxx	\$ 195.62
3/15/2009	17915	Mer-DC-xxxxxx-09	xxxxxxx xxxxxxxx	\$ 257.98
4/4/2009	18036	Mer-DC-xxxxxx-09	xxxxxxx xxxxxxxx	\$ 661.55
4/4/2009	18995	Mer-DC-xxxxxx-09	xxxxxxx xxxxxxxx	\$ 75.00
5/22/2009	19205	Mer-DC-xxxxxx-09	xxxxxxx xxxxxxxx	\$ 103.00
6/11/2009	19295	Mer-DC-xxxxxx-09	xxxxxxx xxxxxxxx	\$ 175.31
6/25/2009	19336	Mer-DC-xxxxxx-09	xxxxxxx xxxxxxxx	\$ 106.35
6/25/2009	19338	Mer-DC-xxxxxx-09	xxxxxxx xxxxxxxx	\$ 74.89
6/25/2009	19351	Mer-DC-xxxxxx-09	xxxxxxx xxxxxxxx	\$ 5,000.00
6/25/2009	19352	Mer-DC-xxxxxx-09	xxxxxxx xxxxxxxx	\$ 4,500.00
<b>Total Outstanding Checks @ June 30, 20xx</b>				<b>\$ 11,285.52</b>

**ATTACHMENT B to APPENDIX G – ADMINISTRATIVE DIRECTIVE #07-13**

**SAMPLE INDEPENDENT ACCOUNTANT’S REPORT ON AGREED-UPON PROCEDURES**

To (Court Officer’s Name)  
Special Civil Part Officer

We have performed the procedures enumerated below, which were agreed to by (Court Officer’s Name), Special Civil Part Officer and pursuant to Directive XXXXX as promulgated by the Administrative Director of the Courts, State of New Jersey, solely to assist you in evaluating the accounting records of (Court Officer’s Name) prepared in accordance with said Directive for the year ended (XXXX xx, xxxx.). (Court Officer’s Name) is responsible for the accounting records. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

Our procedures and findings are as follows:

1. Procedure Performed: Compare the Central Writ Register to the Court Officer’s records to verify that the executions issued by the Court are accounted for by the Court Officer.  
  
Finding: All executions issued by the Court were traced to the Court Officer’s records without exception.
2. Procedure Performed: Send XX Letters of Verification to a randomly selected sample of debtors, creditors, and garnishees.  
  
Finding: All verifications sent were reconciled without exception.
3. Procedure Performed: Verify bonding amount of Court Officer.  
  
Finding: Bond amount was verified to be at least 3 times the Court Officer’s average monthly gross receipts during the preceding examination period or \$50,000, whichever was greater. A bond was in effect as of the date of this report and indemnifies the Superior Court of New Jersey.
4. Procedure Performed: Verify that all funds collected by the Court Officer are deposited at least weekly in a non-interest bearing trust account.  
  
Finding: Funds were deposited as required without exception in a non-interest bearing trust account.
5. Procedure Performed: Trace all deposits from the Court Officer’s cash book and deposit slips to bank statements.  
  
Finding: All deposits for the report period were traced without exception.
6. Procedure Performed: Trace all canceled checks to the Court Officer’s cash book and bank statements.

Finding: All canceled checks for the report period were traced without exception.

We were not engaged to and did not conduct an audit, the objective of which would be the expression of an opinion on (Court Officer's Name) accounting records. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of (Court Officer's Name), Special Civil Part Officer, Vicinage (XX), and the Administrative Office of the Courts, State of New Jersey and is not intended to be and should not be used by anyone other than those specified parties.

Signature:

Date:

**LETTER OF VERIFICATION**

Date

(Plaintiff's or Defendant's Name)  
(Address)

Dear

In connection with an examination of the financial records of \_\_\_\_\_, as an officer of the \_\_\_\_\_ Special Civil Part, please confirm directly to our auditing firm (insert name and address of firm) the following judgment information as of (insert date).

Title of Case: \_\_\_\_\_

Docket Number: \_\_\_\_\_

Amount of judgment plus interest and costs: \$ \_\_\_\_\_

Payments made through (insert date) \$ \_\_\_\_\_

Unpaid balance of judgment as of (insert date) \$ \_\_\_\_\_

If the information shown is in agreement with your records at that date, no response is required.

If the amount is not in agreement with your records, please note the amount shown in your records and any information which may help reconcile the difference and send it directly to the undersigned in the enclosed envelope.

This correspondence is a request for confirmation of recorded information only and is not a request for payment. Payments should not be sent to the auditing firm.\*

Very truly yours,

(Signature of Trial Court Administrator)

The above stated information is correct as of (insert date) with the following exceptions (if any):

\_\_\_\_\_  
(Signed by)

\_\_\_\_\_  
(Date)

- NOTE: This paragraph should be deleted when letter is being sent to judgment creditor or his/her attorney.

**APPENDIX H to ADMINISTRATIVE DIRECTIVE #07-13**

**SPECIAL CIVIL PART OFFICER PERFORMANCE SURVEY**

It is the goal of the \_\_\_\_\_ County, Law Division, Special Civil Part, of the Superior Court of New Jersey to have our Special Civil Part Officers provide the best possible service to the public and the legal community. In the interest of maintaining the highest level of professionalism and quality in the services performed by our Special Civil Part Officers, we ask that you take a few minutes to complete this survey. This survey is also being provided to you in compliance with Administrative Directive # xx-12. The Special Civil Part Officers Advisory Committee will review and consider the comments that you have provided.

**1. Please identify the court officer you are commenting upon:** \_\_\_\_\_

**2. How would you describe the type and quality of services the court officer(s) provided:**

<b>SERVICE TYPE</b>	<b>EXCEPTIONAL</b>	<b>SATISFACTORY</b>	<b>UNSATISFACTORY</b>
( ) <i>Personal Service</i>	( )	( )	( ) _____
( ) <i>Wage Collection</i>	( )	( )	( ) _____
( ) <i>Writ Enforcement</i>	( )	( )	( ) _____
( ) <i>Phone Inquiry</i>	( )	( )	( ) _____
( ) <i>Responsiveness</i>	( )	( )	( ) _____
( ) <i>Paperwork</i>	( )	( )	( ) _____
( ) <i>Eviction</i>	( )	( )	( ) _____
( ) <i>Courtesy</i>	( )	( )	( ) _____
( ) <i>Other</i> _____	( )	( )	( ) _____

**3. Were your collected funds, if any, disbursed to you in a timely manner? ( ) YES ( ) NO**

**Additional Comments, if any:** \_\_\_\_\_  
 \_\_\_\_\_

**4. Additional Comments about Court Officer Overall Performance:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*Optional:* Name and/or Law Firm, Address, Telephone Number, type of firm, number of cases affected, docket numbers, etc. \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Please return this survey to:**

**Special Civil Part Court Officers Advisory Committee  
 c/o \_\_\_\_\_, Assistant Civil Division Manager  
 \_\_\_\_\_ County Special Civil Part  
 Any Street, Anytown, N.J. 00000**