



**New Jersey Judiciary
Superior Court Clerk's Office
Stay of Sheriff's Sale Notice of Motion Instructions**

These instructions are for use before a sheriff's sale is scheduled and after you have exhausted the two statutory stays that you can request from the sheriff. *N.J.S.A. 2A:17-36*.

You must file a WRITTEN request with the Chancery Division, General Equity in the county where your property is located for the court to consider a stay of a sheriff's sale. Contact the Civil Division in your county to find out where to do this. That information is available on the Judiciary's website njcourts.gov. **It is important that you file a motion requesting a stay as soon as possible after the sheriff stays are exhausted.**

Instructions to complete the Notice of Motion, Certification in Support of the Motion and Proposed Form of Order

Step 1 Complete the *Notice of Motion*

In the *Notice of Motion*, you inform the court and all parties that you have asked for a specific ruling or order, and you specify the ruling you want – stay of the sheriff's sale to allow a foreclosure mediation session.

Motions to stay Sheriff's Sale are heard in court on specified days. You should obtain the motion schedule from the local county courthouse. If you have enough time before the sheriff's sale, you should pick a motion day at least 3 weeks from the date you mail your motion, in order to give your adversary the 16 days before the return date as required by the court rules.

If the sheriff's sale is near, contact the Judge's chambers to ask when your motion will be heard and how you should inform the lender's attorney that you are making the motion on short notice.

Step 2 Complete the *Certification in Support of the Motion* and the *Certification of Service*

The *Certification in Support of the Motion* tells the court the reasons why the court should grant your request. You must also complete the *Certification of Service* that tells the court the date you mailed (or delivered) copies of the documents to the lender's attorney.

Step 3 Fill out the top portion of the *Proposed Form of Order*

Fill out the top portion of the Order. Do not fill out anything that appears under the text "**For Court Use Only.**" The judge will complete the bottom half of the Order when the motion is decided.

Step 4 Attach the Filing Fee

The fee for filing a motion in Superior Court is \$50. Write a check in that amount payable to the *Treasurer, State of New Jersey*.

Step 5 Mail (or Deliver) the *Notice of Motion, Certification in Support of the Motion, Certification of Service and Proposed Form of Order to the Lender's Attorney*

You must serve the lender's attorney no later than 16 days before the specified return date on your notice of motion. While the court rules do not require you to use certified mail, it is suggested that you send your motion and supporting papers by regular and certified mail, return receipt requested. You will then have the green card when it is returned to you as proof of service.

If the sheriff's sale is near and you must be heard before 16 days, deliver the motion, certification and order by hand, courier or overnight letter directly to the General Equity judge's chambers.

Step 6 Mail, Deliver or electronically submit the Forms to the Court

You can file your *Notice of Motion, Certification and proposed Form of Order* electronically through JEDS, by mail or in-person with the court. If the sheriff's sale is near, in-person delivery or electronic filing would be your best option.

To electronically submit your documents to the court, use the **Judiciary Electronic Document Submission (JEDS) system**. For more information about the JEDS system (including FAQs) and how to register to use the system go to njcourts.gov.

Note: Attorneys are required to file foreclosure documents in eCourts.

If you mail the papers, we recommend that you use certified mail, return receipt requested. Mail or deliver the original *Notice of Motion, Certification and Proposed Form of Order* to the court. Your local court address is available online at njcourts.gov. Remember to include a check for the \$50 filing fee.

Keep copies of all papers you provide to the court or any other party. Make and keep for yourself copies of all completed forms and any canceled checks, money orders, receipts, bills, contract estimates, letters, leases, photographs and other important papers that relate to your case.

Step 7 Appear in Court (only if the judge has decided to hear oral argument)

Oral argument refers to the appearance in court by the parties to present their positions to the judge in person. Either side may request oral argument, but the decision on whether there will be oral argument is up to the judge.

If the judge has decided to hear oral argument, appear before the General Equity judge on the scheduled motion date and make your case for a stay of the sheriff's sale.

The Judiciary will provide reasonable accommodations to enable individuals with disabilities to access and participate in court events. Please contact the local ADA coordinator to request an accommodation. Contact information is available at njcourts.gov.

The New Jersey Judiciary provides court-interpreting services. If you need an interpreter, notify the court as soon as possible. Contact information is available at njcourts.gov.

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, active credit card number or military status.

Plaintiff or Filing Attorney Information:

Name _____
NJ Attorney ID Number _____
Address _____

Email Address _____
Telephone Number _____

Superior Court of New Jersey
Chancery Division - General Equity
_____ County
Docket Number F- _____

_____,
Plaintiff(s)

v.

_____, *et al*
Defendant(s)

Civil Action

**Notice of Motion to
Stay Sheriff's Sale**

To: _____ General Equity Clerk

TAKE NOTICE that the undersigned will apply to the above-named Court located at _____ on _____, at 9:00 a.m. for an Order staying the sheriff's sale.

PLEASE TAKE FURTHER NOTICE that in support of the motion attached hereto is my/our certification.

Oral argument is requested.

Date

Signature

Print Name

Plaintiff or Filing Attorney Information:

Name _____

NJ Attorney ID Number _____

Address _____

Email Address _____

Telephone Number _____

Superior Court of New Jersey
Chancery Division - General Equity
_____ County

Docket Number F- _____

_____,
Plaintiff(s)

v.

Civil Action

_____, *et al*
Defendant(s)

**Certification in Support of
Stay of Sheriff's Sale**

1. I/We am/are the owner(s) of property known as _____, New Jersey.

2. I/We am/are the borrower(s) and mortgagor(s) on a loan secured by a mortgage on the above-described property, which is the subject of the above-captioned foreclosure action.

3. I/We have exhausted the statutory adjournments available to me/us through the Sheriff's Office.

4. A Sheriff's sale of my property is scheduled for _____.

5. I/We request that the Sheriff's Sale of the above premises, be postponed until _____ for the following reasons:

I/We certify that the above statements made by me/us are true. I/We am/are aware that if any of the statements made by me/us are willfully false, I/We am/are subject to punishment.

Date

Signature

Print Name

Certification of Service

I certify that on _____, I sent a copy of the Notice of Motion, Certification in Support of Stay of Sheriff's Sale, and Proposed Form of Order to the following parties by: (Check which mailing method you chose. If you sent it by both regular and certified mail, return receipt requested, check both.)

regular mail certified mail, return receipt requested

List each party to the foreclosure; use the attorney's name and address if the party is represented by counsel.

Name _____ Name _____

Address _____ Address _____

Attorney for _____ Attorney for _____

I/We certify that the above statements made by me/us are true. I/We am/are aware that if any of the statements made by me/us are willfully false, I/We am/are subject to punishment.

Date _____

Signature

Print Name

Form C

Plaintiff or Filing Attorney Information:

Name _____

NJ Attorney ID Number _____

Address _____

Email Address _____

Telephone Number _____

Superior Court of New Jersey
Chancery Division - General Equity
_____ County

Docket Number F- _____

_____,
Plaintiff(s)

v.

_____, *et al*
Defendant(s)

Civil Action

Order Staying Sheriff's Sale

This matter having been come before the court on a notice of motion and for good cause shown

(Judge Completes Below)

It is on this ___ day of _____, 20___, it is **ORDERED** that:

1. The Sheriff's Sale scheduled for the ___ day of _____, 20___, is stayed until the ___ day of _____, 20___.

2. Additional Relief:

This motion was:

Opposed **Unopposed**

P.J. Ch./J.S.C.