

RULE 4:48. Satisfaction Or Cancellation Of Judgment

4:48-1. Execution and Delivery of Warrant of Satisfaction

Upon satisfaction of a judgment duly entered and docketed, a warrant shall be executed and delivered to the party making satisfaction or to the party's representative, guardian or attorney, or to the clerk of the court, stating the judgment docket number or book and page where it is recorded and directing the clerk to satisfy the same of record. The warrant shall be executed by anyone entitled to receive satisfaction or by the attorney of record in the action. If executed by anyone other than the attorney of record the warrant shall be duly acknowledged. If executed by the attorney of record the attorney's certification shall suffice.

Note: Source-R.R. 4:60-1. Amended July 14, 1972 to be effective September 5, 1972; amended July 13, 1994 to be effective September 1, 1994.

4:48-2. Entry of Satisfaction

- **(a) By Clerk.** On the filing of a warrant, or the return, fully paid or satisfied, by the sheriff or other officer of any execution issued on any judgment, the clerk shall forthwith enter satisfaction on the record, provided, however, that satisfaction of a judgment in favor of a minor for more than \$5000 shall not be entered except on court order, unless a guardian has been appointed for the minor's property or the minor has come of age. The clerk may enter satisfaction on the record as to any co-defendant filing a warrant stating that the party has paid the full share of the judgment even though a portion of the total judgment remains unsatisfied.
- **(b) By Order of Court.** If a party receiving full satisfaction of a judgment fails to enter satisfaction on the record or deliver a warrant to satisfy, the court may on motion by the party making satisfaction, order satisfaction of the judgment to be entered of record.

Note: Source-R.R. 4:60-3. Paragraph (a) amended by order of September 5, 1969 to be effective September 8, 1969; paragraph (a) amended July 22, 1983 to be effective September 12, 1983; paragraph (a) amended July 13, 1994 to be effective September 1, 1994.

4:48-3. Entry of Satisfaction on Payment of Moneys Into Court

- **(a) Motion for Payment.** If a judgment or order for the payment of money is rendered or docketed, or the records thereof are in the custody of the court, the court shall on motion order the clerk of the court to accept payment of the amount thereof, with interest and costs, and, upon receiving payment, to enter satisfaction thereof on the record, if it shall appear upon the motion that:
 - **(1)** A tender of the amount due thereon, with interest and costs, has been made to the holder thereof, who refuses to accept the tender or to execute a satisfaction or warrant in satisfaction therefor; or
 - **(2)** The whereabouts of the holder thereof is unknown and an investigation, the results of which shall be set forth by affidavits on the motion, has been made to discover the holder's whereabouts; or
 - **(3)** An appeal is pending or the time limited for taking an appeal has not expired and the moving party intends to appeal; or
 - **(4)** A motion for relief from the judgment or order or for a new trial is pending, or the time limited for making such motion has not expired and the moving party intends to so move, but in that event the moving party shall, with the payment to the clerk, deliver a bond to the clerk in such amount and form and with such sureties as the court approves, as security for the payment of the costs on such motion.

- **(b) Terms of Motion; Effective Payment.** A motion under R. 4:48-3(a) shall state the court in which the judgment or order was recovered or docketed, the parties thereto, the date and amount thereof, and the book and page of record and of the docketing. Payment to the clerk of the amount due upon judgment or order shall not be deemed to affect the right of any party to the action to appeal or to move for relief or for a new trial. The clerk shall hold moneys so paid into court subject to the further order of the court.

Note: Source-R.R. 4:60-4, 4:60-5; paragraphs (a)(1), (2), and (4) amended July 13, 1994 to be effective September 1, 1994.

4:48-4. Recourse by Some Judgment Debtors Against Other Judgment Debtors

If a judgment is recovered against 2 or more persons, one of whom, liable thereon secondarily or equally with any other, satisfies the judgment, or when bail in a civil action is compelled to pay a judgment against a defendant, the person paying the judgment may on motion and notice to the other persons in interest, excluding the judgment creditor, apply to the court for an order allowing the paying party the full benefit and control of the judgment and any outstanding execution. The court may make such order, on terms, and may direct that new execution issue for the purpose of compelling payment or contribution by any party liable in the amount fixed by the court. If the motion is granted the judgment shall be revived to the extent only of a judgment effective as of the date of such revival in favor of the person or persons applying as against the co-defendant or co-defendants or the person for whom bail was given. The clerk of the court in which the judgment is entered shall enter upon the margin of the record of the judgment the notation of revival of the judgment to the extent aforesaid and the date and docket number of the order of revival so entered; or, if the said judgment is docketed, the transcript shall include said notation, and the clerk of the court in which the same is docketed shall make like marginal entry. The order of revival shall be indexed by the clerk as a revived judgment.

Note: Source-R.R. 4:60-6; amended July 13, 1994 to be effective September 1, 1994.