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To: **Assignment Judges**
Civil Presiding Judges
Supervising Special Civil Part Judges

Directive #07-14

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

Subj: **Special Civil Part (DC) Motions – Exemptions from Motion Fee Set by R. 1:43**

Date: **November 13, 2014**

Rule 1:43 ("Filing and Other Fees Established Pursuant to N.J.S.A. 2B:1-7"), as adopted by the Supreme Court on October 31, 2014 to be effective November 17, 2014, established a filing fee of $25 for Special Civil Part (DC) motions whereas previously there had been no filing fee. The purpose of this Directive is to clarify that certain documents, as set forth below, are exempt from this filing fee requirement.

Prior to the adoption of Rule 1:43, the Special Civil Part Supervising Judges Committee established a protocol permitting judgment debtors to seek summary relief from wages and executions without the formality of filing a motion. Relief from the issuance of Special Civil Part post-judgment process, such as a wage garnishment or a goods and chattel execution, proceeds on a summary basis and does not operate within the construct of Rule 6:3-3 motion practice. Thus, maintaining that approach, such requests for relief from Special Civil Part (DC) goods and chattel writs and wage executions are exempt from the collection of motion filing fees.

There are two additional exemptions from Special Civil Part motion fees. First, to ensure access to our courts for all litigants, requests for indigency determinations are exempt from the motion filing fee requirement. And, second, pursuant to Rule 6:6-7, "Issuance by Clerk of Certificate of Satisfaction of Judgment," a judgment debtor is permitted to make a written application to the Clerk or designee for the issuance of a certificate of satisfaction of judgment. This occurs when either the judgment creditor has not given a warrant of satisfaction or the execution has not been returned fully satisfied. The judgment debtor may make such application for post-judgment relief without having to pay the otherwise prescribed motion fee.

With regard to wage garnishments, the standard practice has been to consider a wage garnishment as an application, with the required fee due upon issuance of the execution. In adopting Rule 1:43, the Supreme Court established wage garnishments to have a fee ($35) separate and apart from DC motions. Thus, to avoid the erroneous application of multiple fees, requests for wage garnishments should not be treated as a motion or application subject to the $25 motion fee. Rather, requests for wage garnishments are $35, with that fee to be collected at the time of receipt of the request for wage garnishment instead of upon the issuance of the wage execution.

Questions may be directed to Lloyd Garner, Chief, Special Civil Part, Civil Practice Division at 609-292-8470 or Lloyd.Garner@judiciary.state.nj.us.

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