



How to Ask the Court to Order a Bank to Turn Over Funds That Have Been Frozen (Motion to Turn Over Funds) (Superior Court of New Jersey - Special Civil Part)

A **MOTION** is a written request which asks the court to issue an order, or to change an order it has already issued.

Who Should Use This Packet?

You may use this packet if you want to file a Motion to Turn Over Funds that have been levied by a Special Civil Part Court Officer and frozen by a Bank. **You cannot use this packet** until the debtor's funds have been frozen. You can talk to the court about freezing a debtor's funds.

General Requirements:

When you file a motion to order a bank to turn over funds that have been frozen, you have to file all of the following papers contained in this packet:

1. Notice of Motion
2. Certification of Service
3. Certification of Levy
4. Notice to Debtor
5. Turn Over Order

Funds cannot be turned over until twenty (20) days after the date the levy was made by a Special Civil Part Court Officer. The Court Officer must provide you with a completed Certification of Levy and a Notice to Debtor form which explains this process in more detail.

Your motion must be properly completed and served upon all parties involved in the case. Any one of the parties can respond to your motion within 10 days.

Note: These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The guides, instructions, and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the [forms](#) will be available at the county courthouse or on the Judiciary's Internet site njcourts.gov. However, you are ultimately responsible for the content of your court papers.

Completed forms are to be submitted to the Special Civil Part of the Superior Court in the county where you are filing your case. A list of [Superior Court Offices](#) is provided at the customer counter or at njcourts.gov.

Things to Think About Before You Represent Yourself in Court

Try to Get a Lawyer

The court system can be confusing and it is a good idea to get a lawyer if you can. The law, the proofs necessary to present your case, and the procedural rules governing cases in the Law Division, Civil Part are complex. Since valuable claims or potentially heavy judgments may be at stake, most litigants appearing in the Law Division, Civil Part have a lawyer. If you are being sued, please contact your insurance company to see if they might provide a lawyer for you. Most likely your opponent will be represented by a lawyer. It is recommended that you make every effort to obtain the assistance of a lawyer. If you cannot afford a lawyer, you may contact the legal services program in your county to see if you qualify for free legal services. The telephone number can be found online or in your local yellow pages under “Legal Aid” or “[Legal Services](#).”

If you do not qualify for free legal services and need help in locating an attorney, you can contact the bar association in your county. That number can also be found in your local yellow pages. Most county bar associations have a Lawyer Referral Service. The County Bar Lawyer Referral Service can supply you with the names of attorneys in your area willing to handle your particular type of case and will sometimes consult with you at a reduced fee. There are also organizations of minority lawyers throughout New Jersey, as well as organizations of lawyers who handle specialized types of cases. Ask your county court staff for a list of lawyer referral services that include these organizations.

If you decide to proceed without an attorney, these materials explain the procedures that must be followed to have your papers properly filed and considered by the court. These materials do not provide information on the law governing your claims or defenses; information on how to conduct pretrial discovery; information on alternative dispute resolution procedures, such as arbitration or mediation, that may be available or required in your case; information on the kinds of evidence you need to prove your claims or defense at trial; or information on other procedural and evidentiary rules governing civil law suits.

What You Should Expect If You Represent Yourself

While you have the right to represent yourself in court, you should not expect special treatment, help or attention from the court. The following is a list of some things court staff can and cannot do for you. Please read it carefully before asking court staff for help.

- We *can* explain and answer questions about how the court works.
- We *can* tell you what the requirements are to have your case considered by the court.
- We *can* give you some information from your case file.
- We *can* provide you with samples of court forms that are available.
- We *can* provide you with guidance on how to fill out forms.
- We *can* usually answer questions about court deadlines.
- We *cannot* give you legal advice. Only your lawyer can give you legal advice.
- We *cannot* tell you whether or not you should bring your case to court.
- We *cannot* give you an opinion about what will happen if you bring your case to court.
- We *cannot* recommend a lawyer, but we can provide you with the telephone number of a local lawyer referral service.
- We *cannot* talk to the judge for you about what will happen in your case.
- We *cannot* let you talk to the judge outside of court.
- We *cannot* change an order issued by a judge.

Keep Copies of All Papers

Make and keep copies of all completed forms and documents related to your case.

Definitions of Words Used in This Packet

Adversary - An *adversary* is a party whose interests are opposed to or opposite the interests of another party.

Certification of Levy - A *certification of levy* is a document which verifies that a levy has been made on a bank account. (See definition of levy below.)

Defendant - The *defendant* is the person (party) against whom the court action (complaint) was filed.

Docket Number - The number the court assigned to this case when the complaint was filed. The *docket number* is listed on the complaint and answer.

File - To *file* means to give the appropriate forms and fee to the court to begin the court's consideration of your request.

Judgment - A *judgment* is the official decision of a court in a case.

Judgment Creditor - The *judgment creditor* is the party to whom money is owed.

Judgment Debtor - The *judgment debtor* is the party who owes money.

Levy - A *levy* means obtaining money by legal process by seizing the judgment debtor's property which is taken to secure or satisfy a judgment.

Motion - A *motion* is a written request in which you ask the court to issue an order, or to change an order it has already issued.

Oral Argument - Personally appearing in court to explain what you want the court to do.

Order to Turn Over Funds - An *Order to Turn Over Funds* is a signed paper from the judge telling someone they must pay money to someone else.

Party - A *party* is a person, business or governmental agency involved in a court action.

Plaintiff - A *plaintiff* is the person (party) who started the court action by filing the complaint.

Return Date - *Return Date* is the date the plaintiff and defendant are ordered to appear in court.

Service - *Service* is the mailing or delivering copies of your papers to the lawyer for the other party or to the other party if there is no lawyer.

The numbered steps listed below tell you what forms you will need to fill out and what to do with them. Each form should be typed or printed clearly on 8 ½ “x 11” white paper only. Forms may not be filed on a different size or color paper.

Steps to File a Motion to Turn Over Funds in the Special Civil Part

STEP 1: Fill out the *Notice of Motion* (Form A).

The *Notice of Motion* tells the court what you want the court to do. Make sure to include the docket number of your case and sign your name where requested.

STEP 2: Fill out the *Certification of Service* (Form B).

The *Certification of Service* tells the court how you got the papers to the other party or parties and the date on which you did so.

STEP 3: Fill out the top portion of the *Order* (Form C).

The *Order* is the document that grants or denies what you are asking for in the case. You must fill out the top portion of the Order. The instructions will tell you how. Leave the bottom half of the Order blank for the judge to complete.

STEP 4: Get the proper forms listed below from the Special Civil Part Officer

If you have not already received them, obtain the following completed forms from the Special Civil Part Court Officer assigned to handle the bank levy:

- ___ *Certification of Levy*
- ___ *Notice to Debtor*

STEP 5: Check your completed forms

Check your forms and make sure they are complete.

Remove all instruction sheets. Make sure you have signed the forms where you are asked to sign them. **You must have all of the following items in this order:**

- ___ *Notice of Motion* (Form A)
- ___ *Certification of Service* (Form B)
- ___ *Certification of Levy* (Step 4)
- ___ *Notice to Debtor* (Step 4)
- ___ *Order* (Form C)

STEP 6: Filing Fee

The fee for filing a motion is \$25. Write a check in that amount payable to the **Treasurer, State of New Jersey**. There is no fee to file a motion in the Small Claims Section of the Special Civil Part.

STEP 7: Mail or deliver your package of completed papers to the court and all other parties in the case.

- ___ Make enough copies so that you will have at least one for yourself and two copies for every other party in the case, including the bank. Each party must be sent one copy by certified mail, return receipt requested and one by regular mail.
- ___ You can deliver or mail your original motion papers to the court. You must mail the motion to all other parties in the case by certified mail, return receipt requested and regular mail. With certified mail, you get a green receipt card that can serve as proof that you mailed the motion to the other party. Your post office can tell you how to send certified mail, return receipt requested.
- ___ In the motion papers you mail to the court, include two more additional copies of the Order along with the original motion papers and a self-addressed, stamped envelope. The court will return the extra copies of the Order to you along with the court’s decision only if a self-addressed stamped envelope is provided.

When you receive a copy of the court’s Order signed by the judge, you are required to provide a copy of the Order to all other parties involved in this motion.

STEP 8: Requesting Oral Argument

You may ask for oral argument, which means you are asking to personally appear in court to explain what you want the court to do. Motions will be decided by the judge without oral argument unless one of the parties requests it and the judge grants that request. Even if no one requests oral argument, the court may still require oral argument. If there is going to be oral argument, you will be notified of the time, date, and place. Check whether or not you want to request oral argument on the *Notice of Motion* (Form A).

Checklist:

- ___ Make enough copies of the forms so that you will have two copies for every party in the case (one for certified mail and one for regular mail) including yourself.
- ___ Mail or deliver all of the original motion papers to the court (Form A, Form B, Form C plus the Certification of Levy and Notice to Debtor described in Step 4).
- ___ Keep at least one copy of the completed motion packet for your own records
- ___ Attach proper filing fee.

Instructions for Completing Form A - Notice of Motion

- A. At the top of the form, enter the *Plaintiff's* name, address, and daytime phone number. Make sure to check the box if the plaintiff's address and/or phone number have changed since the initial filing.
- B. Enter the *Defendant's* name, current address, and daytime phone number. Make sure to check the box if the defendant's address and/or phone number have changed since the initial filing.
- C. Where it says *Docket No.*, fill in the docket number of your case. (You can get this number from the Complaint or Answer you received in the case, or, if necessary, you can call the court for this information.)
- D. Check off whether or not you want to request Oral Argument. (See Step 7 on page 4 for more information about this.)
- E. Fill in the appropriate information where the form tells or instructs you to do so after it says "*Please Take Notice.*"

Form A

Superior Court of New Jersey

Law Division

Special Civil Part

_____ County

Docket Number _____

Plaintiff's Name (first, middle, last)

Address Check if new address/phone number

City, State, Zip Code

Telephone Number

vs.

Defendant's Name (first, middle, last)

Address Check if new address/phone number

City, State, Zip Code

Telephone Number

Civil Action

Notice of Motion To Turn Over Funds

(check one)

I do not request Oral Argument

I request Oral Argument

If you requested Oral Argument do you wish to request:

An Interpreter: Yes No

Language: _____

An accommodation for a disability: Yes No

Requested accommodation: _____

TO: (Name and Address of Bank)

TO: (Name and Address of Judgment Debtor)

PLEASE TAKE NOTICE that I will apply to the Superior Court of New Jersey, Law Division, Special Civil Part, _____ County located at (address) _____, in the above entitled matter for an Order to turn over funds belonging to the judgment debtor in the amount of (amount of levy) \$ _____ upon the following grounds: judgment was entered on (Date) _____, for (amount of judgment) \$ _____ plus court costs. Thereafter, an execution was issued to the Special Civil Part Court Officer of _____ County. The Special Civil Part Court Officer levied on funds belonging to the judgment debtor on deposit at (Name of Bank) _____, in the amount of (amount of levy) \$ _____. The levy was made on (Name of Bank) _____, on (Date) _____, 20__.

Attach: Certificate of Levy & Notice to Debtor (See step 4 on page 4)

NOTICE: IF YOU WANT TO RESPOND TO THIS MOTION YOU MUST DO SO IN WRITING. Your written response must be in the form of a certification or affidavit. That means that the person signing it swears to the truth of the statements in the certification or affidavit and is aware that the court can punish him or her if the statements are knowingly false. You may ask for oral argument, which means you can ask to appear before the court to explain your position. If the court grants oral argument, you will be notified of the time, date and place. Your response, if any, must be in writing even if you request oral argument. Any papers you send to the court must also be sent to the opposing party's attorney, or the opposing party if not represented by an attorney.

If you do not notify the Clerk and the undersigned in writing within ten (10) days of service of the motion that you object to the entry of the order sought, the court in its discretion may enter the order against you without a hearing.

Date

Signature

Type or Print Name

Check one: Plaintiff Defendant

Instructions for Completing Form B - Certification of Service

- A. At the top of the form, enter the *Plaintiff's* name, address, and daytime phone number. Make sure to check the box if the plaintiff's address and/or phone number have changed since the initial filing.
- B. Enter the *Defendant's* name, current address, and daytime phone number. Make sure to check the box if the plaintiff's address and/or phone number have changed since the initial filing.
- C. Where it says *Docket No.*, fill in the docket number of your case. (You can get this number from the Complaint or Answer you received in the case, or, if necessary, you can call the court for this information.)
- D. Provide the appropriate information where the form prompts you to do so.

Review all steps to make sure the forms are properly filled out and complete before mailing (certified mail, return receipt requested and regular mail - see step 7 on page 4). (Keep copies of the completed forms for your records.)

Form B

Superior Court of New Jersey
Law Division
Special Civil Part

Plaintiff's Name (first, middle, last)

Address Check if new address/phone number

City, State, Zip Code

Telephone Number

County
Docket Number _____

vs.

Defendant's Name (first, middle, last)

Address Check if new address/phone number

City, State, Zip Code

Telephone Number

Civil Action

Certification of Service

_____, (check one) Plaintiff Defendant being of full age, certifies and states that:
I served the enclosed Notice of Motion on the judgment debtor, _____, and the (Name of
Bank) _____, in the following manner: (check one)

I personally served (Name of Judgment Debtor) _____, on (Date) _____.

I mailed the judgment debtor, _____, and the (Name of Bank)
_____.

a copy of the enclosed Notice of Motion for an Order to Turn Over Funds, Certification of Service, and an Order to Turn
Over funds of the judgment debtor, which were sent by regular and certified mail, return receipt requested, numbers:
(Certified Mail Receipt Numbers) _____, at the
(Name of Post Office) _____ Post Office addressed to the judgment debtor and the bank, as set
forth in the Notice. The address for the judgment debtor is the last known residence of the judgment debtor.

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

Date

Signature

Type or Print Name

Check one: Plaintiff Defendant

Instructions for Completing Form C - Order

- A. At the top of the form, enter the *Plaintiff's* name, address, and daytime phone number. Make sure to check the box if the plaintiff's address and/or phone number have changed since the initial filing.
- B. Enter the *Defendant's* name, current address, and daytime phone number. Make sure to check the box if the plaintiff's address and/or phone number have changed since the initial filing.
- C. Where it says *County*, type or print the name of the county where you are filing your motion.
- D. Where it says *Docket No.*, fill in the docket number for your case. (You can get this number from the Complaint or Answer you received in the case, or, if necessary, you can call the court for this information.)
- E. Provide the appropriate information where the form tells you to do so.
- F. Leave Form C blank where it says, "*Do not write below this line-for court use only.*" The judge will complete this section.

Review all steps to make sure the forms are properly filled out and complete before mailing (certified mail, return receipt requested and regular mail - see step 7 on page 4). (Keep copies of the completed forms for your records.)

Form C

Plaintiff's Name (first, middle, last)

Address Check if new address/phone number

City, State, Zip Code

Telephone Number

vs.

Defendant's Name (first, middle, last)

Address Check if new address/phone number

City, State, Zip Code

Telephone Number

Superior Court of New Jersey
Law Division
Special Civil Part

_____ County

Docket Number _____

Civil Action

Order for Turn Over of Funds

This matter being brought to the court by the judgment creditor, upon a Notice of Motion to Turn Over Funds on deposit from the account of the judgment debtor in the (Name of Bank) _____, to be paid to (Name of Court Officer) _____, the _____ County Special Civil Part Court Officer, and no one appearing on behalf of the judgment debtor or (Name of Bank) _____, and it further appearing to the court that a Certification of Service of the Notice of Motion to Turn Over Funds has been filed herein:

(Do Not Write Below This Line, for Court Use Only)

On this _____ day of _____, 20____, it is **ORDERED** that:
_____ pay to the County Special Civil Part court Officer, forthwith, the sum of \$_____ which has been levied upon.

It is **FURTHER ORDERED** that a copy of this Order be served by the moving party upon all other parties, or their attorneys, if any, within _____ days of the date of this Order.

The motion was:

Opposed **Unopposed**

J.S.C.