SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to the Rules Governing the Courts of the State of New Jersey are adopted to be effective September 1, 2008.

For the Court,

/s/ Stuart Rabner

Chief Justice

Dated: July 9, 2008

The Rules and Appendices Amended and Adopted by this Order Are as Follows:

1:4-1
1:4-9
1:6-2
1:13-7
1:15-1
1:20-1
1:20-2
1:20-4
1:20-5
1:20-6
1:20-9
1:20-16
1:20-19
1:20-20
1:20-22
1:20A-2
1:20A-3
1:21-6
1:21-7
1:21-10 (new)
1:27-2
1:34-6
1:40-6
3:26-1
3:26-8 (new)
4:3-3
4:4-4
4:4-5
4:5-1
4:23-5
4:24-1
4:25-4
4:26-2
4:32-2
4:33-3
4:38-1
4:43-2
4:43-3
4:44A-1
4:44A-2
4:46-1
4:48A
4:52-1
4:59-1
4:64-1
4:64-2
4:64-3
4:64-9 (new)
4:65-2
4:67-2
4:72-1
4:74-7
4:83-1
4:86-1
4:86-2
4:86-3
4:86-4
4:86-5
4:86-6
4:86-7
4:86-8
4:86-10
4:86-12
6:1-1
6:3-4
6:5-1
6:6-3
6:10
8:2
8:3-2
8:3-5
8:4-1
8:5-3
8:5-4
8:6-1
8:6-2
8:6-4 (new)
8:6-5 (new)
8:6-6 (new)
8:6-7 (new)
8:6-8 (new)
8:8-5
8:11
8:12
Appendix II-A
(new designation)
Appendix II-B
(new designation)
Appendix XI-T
Appendix XI-X (new)
Appendix XII-B1
(renumbered)
Appendix XII-B2 (new)
Appendix XII-D
Appendix XII-E
Appendix XII-F (new)
Appendix XII-G (new)
Appendix XII-H (new)
Appendix XII-I (new)
Appendix XII-J (new)
RPC 1.11

1:4-1. Caption: Name and Addresses of Party and Attorney; Format

(a) Caption.

[(1) Generally.] Every paper to be filed shall contain a caption setting forth the name, division and part thereof, if any, of the court, the county in which the venue in a Superior Court action is laid, the title of the action, the docket number except in the case of a complaint, the designation "Civil Action" or "Criminal Action", as appropriate, and a designation such as "complaint", "order", or the like. In a complaint in a civil action, the title of the action shall include the names of all the parties, but in other papers it need state only the name of the first party on each side with an appropriate indication that there are other parties. Except as otherwise provided by R. 5:4-2(a), the first pleading of any party shall state the party's residence address, or, if not a natural person, the address of its principal place of business.

[(2) In Particular Causes. A pleading alleging medical malpractice shall be so designated in its caption. Any action in which such a pleading is filed shall be given a special identifying letter by the clerk.]

(b) Format; Addresses. At the top of the first page of each paper filed, a blank space of approximately 3 inches shall be reserved for notations of receipt and filing by the clerk. Above the caption at the left-hand margin of the first sheet of every paper to be filed there shall be printed or typed the name of the attorney filing the paper, office address and telephone number or, if a party is appearing pro se, the name of such party, residence address and telephone number. No paper shall bear an attorney's post office box number in lieu of a street address. An attorney or pro se party shall advise the court and all other

parties of a change of address or telephone number if such occurs during the pendency of an action. [Papers filed in the trial courts shall have no backer or cover sheet.]

Note: Source – R.R.. 4:5-8, 4:10-1, 5:5-1(e), 7:5-2(a) (first two sentences); paragraph (a) amended December 20, 1983 to be effective December 31, 1983; paragraph (a) redesignated as paragraph (a)(1) and paragraph (a)(2) added November 7, 1988 to be effective January 2, 1989; paragraph (b) amended July 14, 1992 to be effective September 1, 1992; paragraph (a)(1) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended July 28, 2004 to be effective September 1, 2004; paragraph (a)(2) caption and text deleted, paragraph (a)(1) caption deleted, and paragraph (b) amended July 9, 2008 to be effective September 1, 2008.

1:4-9. Size, Weight and Format of Filed Papers

Except as otherwise provided by R. 2:6-10, pleadings and other papers filed with the court, including letter briefs and memoranda but excluding preprinted legal forms and documentary exhibits, shall be prepared on letter size (approximately 8.5 x 11 inches) paper of standard weight and quality for copy paper and shall be double spaced with no smaller than 10-pitch or 12-point type. Both sides of the paper may be used and recycled paper [may] should be used, provided legibility [can be] is maintained.

Note: Source – R.R. 1:27C; caption and text amended June 29, 1990 to be effective September 4, 1990; amended July 13, 1994 to be effective September 1, 1994; amended June 28, 1996 to be effective September 1, 1996; amended July 27, 2006 to be effective September 1, 2006; amended July 9, 2008 to be effective September 1, 2008 .

1:6-2. Form of Motion; Hearing

(a) …no change

(b) Civil Motions in Chancery Division and Specially Assigned Cases; Affidavit of Non-Involvement in Medical Malpractice Actions.

(1) Generally. When a civil action has been specially assigned to an individual judge for case management and disposition of all pretrial and trial proceedings and in all cases pending in the Superior Court, Chancery Division, the judge, on receipt of motion papers, shall determine the mode and scheduling of the disposition of the motion. Except as provided in R. 5:5-4, motions filed in causes pending in the Superior Court, Chancery Division, Family Part, shall be governed by this paragraph.

(2) Motion for dismissal pursuant to N.J.S.A 2A-40. A party moving for dismissal of the action on the ground of non-involvement in the cause of action pursuant to N.J.S.A. 2A:53A-40 of the New Jersey Medical Care Access and Responsibility and Patients First Act, N.J.S.A. 2A:53A-37 to 42, shall annex to the notice of motion an affidavit of non-involvement that complies with Rule 1:6-6. In the absence of opposition filed in accordance with Rule 1:6-3, the court shall enter an order dismissing the action as to the moving party. If opposition is filed, the court shall proceed in accordance with this rule.

(c) …no change

(d) …no change

(e) …no change

(f) …no change

Note: Source – R.R. 3:11-2, 4:8-5(a) (second sentence). Amended July 14, 1972 to be effective September 5, 1972; amended November 27, 1974 to be effective April 1, 1975; amended July 24, 1978 to be effective September 11, 1978; former rule amended and redesignated as paragraph (a) and paragraphs (b), (c), (d), and (e) adopted July 16, 1981 to be effective September 14, 1981; paragraph (c) amended July 15, 1982 to be effective September 13, 1982; paragraph (c) amended July 22, 1983 to be effective September 12, 1983; paragraph (b) amended December 20, 1983 to be effective December 31, 1983; paragraphs (a) and (c) amended and paragraph (f) adopted November 1, 1985 to be effective January 2, 1986; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraph (c) amended and paragraph (d) caption and text amended June 29, 1990 to be effective September 4, 1990; paragraph (d) amended July 14, 1992 to be effective September 1, 1992; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 13, 1994 to be effective January 1, 1995; paragraphs (a) and (f) amended January 21, 1999 to be effective April 5, 1999; paragraphs (c) and (d) amended July 5, 2000 to be effective September 5, 2000; paragraph (a) amended July 28, 2004 to be effective September 1, 2004; paragraphs (b), (c), and (f) amended July 27, 2006 to be effective September 1, 2006; paragraph (b) caption amended, former text of rule captioned and redesignated as paragraph (1), and new paragraph (2) adopted July 9, 2008 to be effective September 1, 2008.

1:13-7. Dismissal of Civil Cases for Lack of Prosecution

(a) Except in receivership and liquidation proceedings and in condemnation and foreclosure actions [as] governed by R. 4:64-8 and except as otherwise provided by rule or court order, whenever [any civil] an action [shall have] has been pending [in any court] for four months or, if a general equity action, for two months, without a required proceeding having been taken therein as [hereinafter] hereafter defined in subsection (b), the court shall issue written notice to the plaintiff advising that the action as to any or all defendants will be dismissed without prejudice 60 days following the date of the notice or 30 days thereafter in general equity cases unless, within said period, action specified in subsection (c) is taken. If no such [the] action [as prescribed in subsection (c)] is [not] taken, the court shall enter an order of dismissal without prejudice as to any named [party] defendant and shall furnish the plaintiff with a copy thereof. After dismissal, reinstatement [Reinstatement] of [the] an action against a single defendant [after dismissal] may be permitted [upon] on submission of a consent order [that vacates] vacating the dismissal and [allows] allowing the dismissed defendant to file an answer, provided the proposed consent order is accompanied by the answer for filing, a case information statement, and the requisite fee. If the defendant has been properly served but declines to execute a consent order, plaintiff shall move on good cause shown for vacation of the dismissal. [The entry of the consent order may be permitted in the discretion of the court. Otherwise, reinstatement of the action after dismissal may be permitted only on motion for good cause shown.] In multi-defendant actions in which at least one defendant has been properly served, the consent order shall be submitted within 60 days of the order of dismissal, and if not so submitted, a motion for reinstatement shall

be required. The motion shall be granted on good cause shown if filed within 90 days of the order of dismissal, and thereafter shall be granted only on a showing of exceptional circumstances. In multi-defendant actions, if an order of dismissal pursuant to this rule is vacated and an answering pleading is filed by the restored defendant during or after the discovery period, the restored defendant shall be considered an added party, and discovery shall be extended pursuant to Rule 4:24-1(b). [The court may issue the written notice herein prescribed in any action pending on the effective date of this rule amendment, and this rule shall then apply.] Nothing in this rule precludes the court with respect to a particular defendant from imposing reasonable additional or different procedures to facilitate the timely occurrence of the next required proceeding to be taken in the case with respect to that defendant.

(b) …no change

(c) …no change

Note: Source – R.R. 1:30-3(a) (b) (c) (d), 1:30-4. Amended July 7, 1971 to be effective September 13, 1971; former rule redesignated as paragraph (a) and paragraph (b) adopted July 15, 1982 to be effective September 13, 1982; paragraph (b) amended November 5, 1986 to be effective January 1, 1987; paragraph (a) amended June 28, 1996 to be effective September 1, 1996; caption and paragraph (a) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a) and (b) amended July 12, 2002 to be effective September 3, 2002; paragraph (a) amended, former paragraph (b) deleted, and new paragraphs (b), (c), and (d) adopted July 28, 2004 to be effective September 1, 2004; paragraph (a) amended July 9, 2008 to be effective September 1, 2008.

1:15-1. Limitation on Practice of Attorneys Serving as Judges and Surrogates

(a) …no change

(b) …no change

(c) Surrogates. An attorney who is a surrogate or deputy surrogate in any county, or who is in the employ of any such official, shall not practice law in any estate or trust matter, including the preparation of wills, trust documents, or any other probate documents, in or out of court. Furthermore, a surrogate or deputy surrogate shall not practice law in any criminal, quasi-criminal or penal matter, whether judicial or administrative in nature, in that county, nor in the Superior Court, Chancery Division, Probate Part in any county.

Note: Source – R.R. 1:26-1(a)(b)(c)(d)(e)(f), 8:13-7(b). Paragraph (d) amended November 22, 1978 to be effective December 7, 1978; paragraph (c) amended July 16, 1981 to be effective September 14, 1981, except that, as to part-time municipal court judges outside of Atlantic City, the last sentence shall be effective December 26, 1981; paragraph (d) amended February 17, 1983 to be effective immediately; former paragraph (b) deleted and former paragraphs (c) and (d) redesignated to paragraphs (b) and (c) July 26, 1984 to be effective September 10, 1984; paragraphs (a) and (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (c) amended July 9, 2008 to be effective September 1, 2008.

1:20-1. Disciplinary Jurisdiction; Annual Fee and Registration

(a) … no change

(b) … no change

(c) Annual Registration Statement. To facilitate the collection of the annual fee provided for in paragraph (b), every attorney admitted to practice law in this state, including all persons holding a plenary license, those admitted pro hac vice, those holding a limited license as in-house counsel, those registered as multijurisdictional practitioners, and those certified as Foreign Legal Consultants, shall, on or before February 1 of every year, or such other date as the Court may determine, pay the annual fee and file a registration statement with the New Jersey Lawyers' Fund for Client Protection (hereinafter referred to as the Fund). The registration statement shall be in a form prescribed by the Administrative Director of the Courts with the approval of the Supreme Court. As part of the annual registration process, each attorney shall certify compliance with Rule 1:28A. All registration statements shall be filed by the Fund with the Office of Attorney Ethics, which may destroy the registration statements after one year. Each lawyer shall file with the Fund a supplemental statement of any change in the attorney's billing address and shall file with the Office of Attorney Ethics a supplemental statement of any change in the home and primary bona fide law office addresses, as well as the main law office telephone number previously submitted and the financial institution or the account numbers for the primary trust and business accounts, either prior to such change or within thirty days thereafter. All persons first becoming subject to this rule shall file the statement required by this rule prior to or within thirty days of the date of admission.

The information provided on the registration statement shall be confidential except as otherwise directed by the Supreme Court.

(d) … no change

Note: Adopted February 23, 1978, to be effective April 1, 1978. Any matter pending unheard before a County Ethics Committee as of April 1, 1978 shall be transferred, as appropriate, to the District Ethics Committee or the District Fee Arbitration Committee having jurisdiction. Any matter heard or partially heard by a County Ethics Committee by April 1, 1978 shall be concluded by such Ethics Committee and shall be reported on in accordance with these rules; amended July 16, 1981 to be effective September 14, 1981. Caption amended and first two paragraphs amended and redesignated as paragraph (a); new paragraphs (b), (c) and (d) adopted January 31, 1984 to be effective February 15, 1984; paragraph (c) amended November 5, 1986 to be effective January 1, 1987; paragraph (d) amended June 29, 1990 to be effective September 4, 1990; paragraph (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (c) amended September 15, 1992, to be effective January 1, 1993; caption added to all paragraphs and paragraphs (a), (b), (c), and (d) amended February 8, 1993 to be effective immediately; paragraphs (a), (b) and (c) amended January 31, 1995, to be effective March 1, 1995; paragraph (a) amended July 10, 1998, to be effective September 1, 1998; paragraph (b) amended July 12, 2002 to be effective September 3, 2002; paragraphs (a), (b), (c) and (d) amended July 28, 2004 to be effective September 1, 2004; paragraph (c) amended July 9, 2008 to be effective September 1, 2008.

1:20-2. Office of Attorney Ethics

(a) … no change

(b) Authority. The Director shall have the discretion and the authority to:

(1) … no change

(2) … no change

(3) … no change

(4) … no change

(5) … no change

(6) … no change

(7) … no change

(8) … no change

(9) … no change

(10) … no change

(11) … no change

(12) … no change

(13) … no change

(14) … no change

(15) … no change

(16) hire and discharge all staff of the Office of Attorney Ethics consistent with personnel policies of the judiciary and subject to the approval of the Chief Justice, and to recommend the hiring of all ethics counsel to the Supreme Court; [and]

(17) select attorneys and non-attorneys from among former Ethics and Fee Committee members to act as hearing panel members; and

(18) … no change

In all actions the Director shall exercise all of the investigative and prosecutorial authority of an Ethics Committee in addition to any authority invested in the Director under these rules.

(c) … no change

(d) … no change

Note: Former rule redesignated R. 1:20-3 and new rule adopted January 31, 1984 to be effective February 15, 1984; paragraph (b)(15) amended and new paragraph (16) adopted November 5, 1986 to be effective January 1, 1987; paragraph (b)(8) amended June 29, 1990 to be effective September 4, 1990; paragraphs (a) and (b) amended, subparagraphs (b)(1) (i) (ii) (iii) (iv) (v) amended and redesignated (b)(1) (A) (B) (C) (D) and (E), new subparagraph (b)(17) added, paragraphs (c) and (d) adopted January 31, 1995 to become effective March 1, 1995; paragraph (b)(1) amended, subparagraph (b)(1)(E) amended, new subparagraph (b)(1)(F) adopted, new subparagraph (b)(2) added, former subparagraphs (b)(2) and (b)(3) renumbered as (b)(3) and (b)(4) and amended, former subparagraphs (b)(4) to (b)(9) renumbered as (b)(5) to (b)(10), former subparagraphs (b)(10) and (b)(11) renumbered as (b)(11) and (b)(12) and amended, former subparagraph (b)(12) renumbered as (b)(13), former subparagraph (b)(13) renumbered as (b)(14) and amended, former subparagraphs (b)(14) to (b)(17) renumbered as (b)(15) to (b)(18), and new last sentence added to paragraph (b) July 28, 2004 to be effective September 1, 2004; subparagraphs (b)(16) and (b)(17) amended July 9, 2008 to be effective September 1, 2008.

1:20-4. Formal Pleadings

(a) … no change

(b) Contents of Complaint. Every complaint shall be in writing, designated as such in the caption, and brought against the respondent in the name of either the District Ethics Committee or the Office of Attorney Ethics. The complaint shall be signed by the chair, secretary or any Ethics Committee member, the Director, or the Director's designee. [The caption shall indicate if the complaint concerns unethical conduct or minor unethical conduct.] The complaint shall state the name of the grievant, if any, and the name, year of admission, law office or other address, and county of practice of the respondent, and shall set forth sufficient facts to constitute fair notice of the nature of the alleged unethical conduct, specifying the ethical rules alleged to have been violated. It shall also state above the caption the name, address and phone number of the presenter assigned to handle the matter.

(c) … no change

(d) … no change

(e) … no change

(f) … no change

(g) … no change

Note: Text and former R. 1:20-4 redesignated R. 1:20-15. New text to R. 1:20-4, adopted January 31, 1995 to be effective March 1, 1995; paragraph (e) amended July 5, 2000 to be effective September 5, 2000; paragraphs (e) and (f)(2) amended July 12, 2002 to be effective September 3, 2002; paragraphs (a), (b), (d), (e), (f), and (g) amended July 28, 2004 to be effective September 1, 2004; paragraph (d) amended August 1, 2006 to be effective September 1, 2006; paragraph (b) amended July 9, 2008 to be effective September 1, 2008.

1:20-5. Prehearing Procedures

(a) Discovery.

(1) … no change

(2) … no change

(3) Documents Not Subject to Discovery. This rule does not require discovery of a party's work product consisting of internal reports, memoranda or documents made by that party or that party's attorney or agents in connection with the investigation, prosecution or defense of the matter. Nor does it require discovery of statements, signed or unsigned, made by respondent to respondent's attorney or that attorney's agents. Any materials relating to any matter deemed "confidential" under R. 1:20-9, including dismissals and diversions, are not discoverable. This rule does not authorize discovery of any internal manuals or materials prepared by the Office of Attorney Ethics or the Disciplinary Review Board.

(4) … no change

(5) … no change

(6) … no change

(7) … no change

(b) Prehearing Conference.

(1) … no change

(2) Prehearing Report. At least five business days before the date scheduled for the prehearing conference, both the presenter and the respondent shall file a report with the hearing panel chair or special ethics master, and with the adversary, disclosing the name, address and telephone numbers of each person expected to be called at hearing,

including any person who will testify as to the character or reputation of the respondent, and all experts. With respect to an expert witness, the report shall state the person's name, address, qualifications, and the subject matter on which the expert is expected to testify. A copy of the expert's report, if any, or, if no written report is prepared, a statement of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion, shall be attached. Every respondent shall also include his or her own office and home address (including a street address) and telephone number where the attorney can be reached at all times. The respondent shall have a continuing duty to promptly advise the hearing panel chair, special ethics master, presenter, secretary of any district committee and the Director of any changes in any of the items required above.

(3) … no change

(4) … no change

(5) … no change

(c) … no change

(d) … no change

Note: Former R. 1:20-5 redesignated R. 1:20-16 adopted January 31, 1995 to be effective March 1, 1995; paragraph (b)(6) amended July 5, 2000 to be effective September 5, 2000; paragraph (a)(7) amended July 12, 2002 to be effective September 3, 2002; paragraphs (a) and (b) amended, former subparagraph (b)(c) redesignated as paragraph (c), former paragraph (c) redesignated as paragraph (d) and amended July 28, 2004 to be effective September 1, 2004; subparagraphs (a)(3) and (b)(2) amended July 9, 2008 to be effective September 1, 2008.

1:20-6. Hearings

(a) … no change

(b) Special Ethics Masters.

(1) Qualifications. A retired or recalled judge of this state, a former member of the Disciplinary Review Board, a former member of the Disciplinary Oversight Committee, a former officer of a district ethics committee, or a former chair of a hearing panel may be appointed, with his or her consent, to serve as a special ethics master.

(2) … no change

(3) … no change

(4) … no change

(c) Hearings Involving Unethical Conduct; When Required.

(1) … no change

(2) Notice and Conduct of Hearings.

(A) Generally. At least 25 days prior to the initial scheduled hearing date, a written notice of hearing shall be served on the presenter, the respondent, and any counsel of record, stating the date, time and place of hearing. Subsequent days of hearing may be scheduled orally or in writing. Prior to the hearing the respondent will be advised of the right to be represented by counsel, to cross-examine witnesses and to present evidence. Arrangements for the hearing, including location of hearing, recording, interpreters and transcripts, shall be made by the Ethics Committee or special ethics master, if one has been appointed. A complete stenographic record of the hearing shall be made by an official court reporter or by a court reporter designated by the Director. Each trier of fact shall be obligated to inform every court reporter, witness and party of any protective

order that has been issued and the effect thereof. All witnesses shall be duly sworn. If special circumstances dictate, the trier of fact may accept testimony of a witness by telephone and/or [videotape] video conference.

(B) … no change

(C) … no change

(D) … no change

(E) … no change

(F) … no change

(d) … no change

(e) … no change

Note: Adopted January 31, 1995 to be effective March 1, 1995; paragraph (c) amended July 25,1995 to be effective immediately; paragraph (b)(2) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a)(1), (a)(2), and (c)(2)(E)(i) amended July 12, 2002 to be effective September 3, 2002; paragraphs (a) and (b) amended, paragraph (c) caption and text amended, former paragraph (d) deleted and new paragraph (d) adopted July 28, 2004 to be effective September 1, 2004; new paragraph (e) adopted July 27, 2006 to be effective September 1, 2006; subparagraph (c)(2)(F) amended August 1, 2006 to be effective September 1, 2006; subparagraphs (b)(1) and (c)(2)(A) amended July 9, 2008 to be effective September 1, 2008.

1:20-9. Confidentiality; Access to and Dissemination of Disciplinary Information

(a) Confidentiality by the Director. Prior to the filing and service of a complaint [in a disciplinary matter], a disciplinary stipulation waiving the filing of a formal complaint, [or] a motion for final or reciprocal discipline, or the approval of a motion for discipline by consent, the disciplinary matter and all written records gathered and made pursuant to these rules shall be kept confidential by the Director, except that the pendency, subject matter, and status of a grievance may be disclosed by the Director if:

(1) … no change

(2) … no change

(3) … no change

(4) … no change

(5) … no change

(b) … no change

(c) … no change

(d) Public Records.

(1) Subject to paragraphs (a) and (c), on the filing and service of a complaint, a disciplinary stipulation waiving the filing of a formal complaint, a motion for final or reciprocal discipline or the approval of a motion for discipline by consent (except for documents submitted in connection with confidential prehearing conferences), those documents, as well as the documents and records filed subsequent thereto, shall be available for public inspection and copying. Inspection and copying shall be available by appointment at the office of the body where the matter is then pending. Transcripts shall be available to the public in accordance with R. 1:20-7(m) at their pre-paid expense.

Where, in the opinion of the district secretary or the Director, the documentation to be copied is voluminous, a commercial photocopy service may be used for reproduction at the prepaid expense of the person requesting them.

(2) … no change

(3) … no change

(4) … no change

(5) … no change

(e) … no change

(f) Disclosure of Evidence of Criminal Conduct; All Other Disclosure Including Subpoenas.

(1) Subsequent to the filing of a complaint, a disciplinary stipulation waiving the filing of a formal complaint, a motion for final or reciprocal discipline, or the approval of a motion for discipline by consent, the Director may refer any matter to law enforcement authorities without prior notice to respondent if criminal conduct may be involved. Prior to the filing and service of a complaint, the Director may refer a matter to law enforcement authorities if criminal conduct may be involved and the respondent has been temporarily suspended. In both cases, a copy of the letter of referral shall be sent to the respondent and any known counsel. Where criminal conduct may be involved but where the respondent has not been temporarily suspended or served with a complaint, the Director shall, prior to such referral, give ten days written notice to the respondent and any known counsel of the intention to make a referral. The respondent may, within said period, apply to the Board for a protective order based on good cause shown.

(2) … no change

(g) … no change

(h) … no change

(i) … no change

(j) … no change

(k) Law Firm/Public Agency Notice of Public Action. Unless the respondent is the sole proprietor of a law firm, an Ethics Committee or the Office of Attorney Ethics shall send promptly to the law firm of which the respondent is known to be a member or by which the respondent is known to be employed, or the public agency by which the respondent is known to be employed, a copy of every complaint filed and served by that entity, disciplinary stipulation waiving the filing of a formal complaint, motion for final or reciprocal discipline or approved motion for discipline by consent.

(l) … no change

(m) … no change

(n) … no change

(o) … no change

(p) … no change

Note: Former R. 1:20-9 redesignated R. 1:20-12, new text adopted January 31, 1995 to be effective March 1, 1995; paragraph (k) amended July 10, 1998 to be effective September 1, 1998; paragraphs (d) and (g) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a), (b), (c), (f), (g), (i), (k), (l), (m), and (n) amended, and paragraphs (e) and (j) caption and text amended July 28, 2004 to be effective September 1, 2004; paragraph (a) caption and text amended, new paragraph (b) adopted, former paragraphs (b), (c), and (h) amended and redesignated as paragraphs (c), (d), and (i), former paragraphs (d), (e), (f), (g), (i), (j), (k), (l), (m), (n), and (o) redesignated as paragraphs (e), (f), (g), (h), (j), (k), (l), (m), (n), (o), and (p) July 27, 2006 to be effective September 1, 2006; corrective amendment to paragraph (b) adopted September 26, 2006, to be retroactive to September 1, 2006; paragraph (a), subparagraphs (d)(1) and (f)(1), and paragraph (k) amended July 9, 2008 to be effective September 1, 2008.

1:20-16. Action by the Supreme Court

(a) … no change

(b) … no change

(c) … no change

(d) … no change

(e) … no change

(f) … no change

(g) … no change

(h) … no change

(i) Practice of Law Prohibited. No attorney who has been ordered disbarred, suspended, or transferred to disability-inactive status shall practice law after such disbarment or during the period of such suspension or disability, and every order of disbarment shall include a permanent injunction from such practice.

(j) … no change

(k) … no change

Note: Former rule redesignated as R. 1:20-8, R. 1:20-10 and R. 1:20-11. Source--Former Rule 1:20-4 adopted February 23, 1978, to be effective April 1, 1978; paragraph (a) amended January 10, 1979 to be effective immediately; new paragraph (d) adopted and paragraphs (d) and (e) redesignated (e) and (f) July 16, 1981 to be effective September 14, 1981; paragraphs (a) and (b) amended; paragraph (c) deleted; paragraphs (d), (e) and (f) amended and redesignated (c), (d) and (e) January 31, 1984 to be effective February 15, 1984; new paragraph (d) adopted and former paragraphs (d) and (e) redesignated (e) and (f) November 6, 1989, to be effective January 2, 1990; paragraph (a) amended June 29, 1990 to be effective September 4, 1990; paragraph (d) amended August 8, 1994 to be effective immediately; former R. 1:20-5 redesignated R. 1:20-16, caption and text of paragraph (a) amended, paragraphs (b) and (d) deleted, new paragraphs (b)(c)(d)(e) and (i) adopted, former paragraphs (c)(e)(f) amended and redesignated (f)(g) and (h) January 31, 1995 to be effective March 1, 1995; paragraph (b) amended March 24, 1995, to be effective immediately; former paragraphs (h) and (i) redesignated as paragraphs (i) and (j) and new paragraph (h) adopted July 10, 1998 to be effective September 1, 1998; paragraphs (f), (i), and (j) amended and new paragraph (k) adopted July 28, 2004 to be

effective September 1, 2004; paragraph (i) amended July 9, 2008 to be effective September 1, 2008.

1:20-19. Appointment of Attorney-Trustee to Protect Clients' Interest

(a) Jurisdiction; Appointment.

(1) Regular Attorney-Trustee. If an attorney has been suspended or disbarred or transferred to disability-inactive status and has not complied with R. 1:20-20 (future activities of disciplined or disability-inactive attorneys), or has abandoned the law practice, or cannot be located, or has died, and no partner, shareholder, executor, administrator or other responsible party capable of conducting the respondent's affairs as stated hereinafter is known to exist, the Assignment Judge, or designee, in the vicinage in which the attorney maintained a practice may, on proper proof of the fact and on the application of any interested party, appoint one or more members of the bar of the vicinage where the law practice is situate as attorney-trustee. Where a responsible party capable of conducting respondent's affairs is known to exist, and where that person is a New Jersey attorney or has retained a New Jersey attorney, that attorney may be appointed and directed to take appropriate action. Notice of an order of appointment shall be given to the Director of the Office of Attorney Ethics and the secretaries of the appropriate Ethics Committee and Fee Committee and county bar association in the vicinage.

(2) Temporary Attorney-Trustee. When, in the opinion of the Assignment Judge, an attorney is otherwise unable to carry on the attorney's practice temporarily so that clients' matters are at risk, the Assignment Judge, or designee, in the vicinage in which the attorney maintained a practice may, on proper proof of the fact and on the application of any interested party, appoint a temporary attorney-trustee for a period of up to six months following the same conditions and procedures set forth in subparagraph (a)(1) of

this Rule. The purposes of the temporary attorney-trustee shall be to preserve, in so far as practical, the practice of the attorney and all attorney-client relationships pending a report to the Assignment Judge at 150 days after appointment as to the attorney's condition and ability to resume the practice. The Assignment Judge may then either dissolve the temporary attorney-trusteeship or convert it to a regular attorney-trusteeship as if created under subparagraph (a)(1) of this Rule.

The temporary attorney-trustee shall have the powers and responsibilities authorized by the Assignment Judge, as well as those specifically granted above and those in paragraphs (c), (e) and (h). The temporary attorney-trustee shall not have the powers granted under paragraph (d), (f) and (g), except that the reports required by paragraph (d) shall be filed.

The temporary attorney-trustee shall not apply for legal fees within the first thirty days after appointment, but may at any time be awarded reasonable costs and expenses as stated under paragraph (h), including the right to satisfy those costs and expenses from the attorney's business or personal accounts as directed by the Assignment Judge. After thirty days from appointment, the temporary attorney-trustee may apply to the Assignment Judge for reduced legal fees below the normal hourly rate in accordance with paragraph (h).

The attorney whose practice is subjected to a temporary trusteeship shall have the right to make application at any time for an order vacating the temporary trusteeship on notice to all interested parties.

(b) … no change

(c) … no change

(d) … no change

(e) … no change

(f) … no change

(g) … no change

(h) … no change

Note: Adopted November 5, 1986 to be effective January 1, 1987; former R. 1:20-12 redesignated 1:20-19, paragraphs (a) and (b) amended and paragraph (f) adopted January 31, 1995 to be effective March 1, 1995; paragraph (a) amended, former paragraphs (b), (c), and (f) redesignated as (c), (d), and (h) and captions and text amended, former paragraphs (d) and (e) redesignated as (e) and (f) and amended, and new paragraphs (b) and (g) adopted July 28, 2004 to be effective September 1, 2004; paragraph (a) amended July 27, 2006 to be effective September 1, 2006; paragraph (a) text redesignated as subparagraph (a)(1), subparagraph (a)(1) caption adopted, new subparagraph (a)(2) captin and text adopted July 9, 2008 to be effective September 1, 2008.

1:20-20. Future Activities of Attorney Who Has Been Disciplined or Transferred to Disability-Inactive Status

(a) … no change

(b) Notice to Clients, Adverse Parties and Others. An attorney who is suspended, transferred to disability-inactive status, disbarred, or disbarred by consent or equivalent sanction:

(1) … no change

(2) … no change

(3) … no change

(4) … no change

(5) shall, except for the purposes of disbursing trust monies for the 30-day period stated in this subparagraph, cease to use any bank accounts or checks on which the attorney's name appears as a lawyer or attorney-at-law or in connection with the words "law office". If the suspension is for a period greater than six months, or involves a temporary suspension that lasts for more than six months, or involves transfer to disability-inactive status, disbarment, disbarment by consent or their equivalent sanction, the attorney shall, within the 30 day period prescribed in subparagraph (15), disburse all attorney trust account monies that are appropriate to be disbursed and shall arrange to transfer the balance of any trust monies to an attorney admitted to practice law in this state and in good standing for appropriate disbursement, on notice to all interested parties, or dispose of the balance of funds in accordance with R. 1:21-6(j), "Unidentifiable and Unclaimed Trust Fund Accumulations and Trust Funds Held for Missing Owners"; however, it shall not be a violation of this subparagraph for an attorney to take appropriate action to comply after the stated 30-day period;

(6) … no change

(7) shall promptly request [require] the telephone company to remove any listing in the telephone directory indicating that the attorney is a lawyer, or holds a similar title;

(8) shall promptly request [require] the publishers of Martindale-Hubbell Law Directory, the New Jersey Lawyers Diary and Manual, and any other law list in which the attorney's name appears, including all websites on which the attorney's name appears, to remove any listing indicating that that attorney is a member of the New Jersey Bar in good standing;

(9) … no change

(10) … no change

(11) … no change

(12) … no change

(13) … no change

(14) … no change

(15) … no change

(c) … no change

(d) … no change

(e) … no change

If the disciplined or former attorney fails to comply with this rule within 30 days of the date of suspension, transfer, or disbarment, the law firm shall do so. Proof of compliance shall be by verified affidavit of a member of the firm, shareholder, or member filed with the Director within 30 days of the date of suspension, transfer, or

disbarment. The affidavit shall be accompanied by a copy of all notices sent to clients pursuant to this paragraph.

Note: Adopted February 23, 1978, to be effective April 1, 1978; amended January 31, 1984 to be effective February 15, 1984; amended July 13, 1994 to be effective September 1, 1994; paragraph (a) was former R. 1:21-8, new paragraphs (b), (c) and (d) adopted January 31, 1995 to be effective March 1, 1995; paragraph (d) amended July 10, 1998 to be effective September 1, 1998; paragraphs (a), (b)(10), (b)(11) and (d) amended, paragraphs (b)(12), (b)(13), and (b)(14) amended and redesignated as paragraphs (b)(13), (b) (14), and (b)(15), and new paragraph (b)(12) adopted July 5, 2000 to be effective September 5, 2000; caption of rule amended, paragraphs (a) and (b) amended, former paragraph (c) redesignated as (d), former paragraph (d) redesignated as (e) and amended, and new paragraph (c) adopted July 28, 2004 to be effective September 1, 2004; subparagraphs (b)(5), (b)(7), and (b)(8) amended July 9, 2008 to be effective September 1, 2008.

1:20-22. Resignation Without Prejudice

(a) Generally. A resignation without prejudice from the bar of this state of a member in good standing shall be submitted through the Director and may be accepted by the Supreme Court, provided that at the time of its submission, the member presents satisfactory proof that no disciplinary or criminal proceedings are pending in any jurisdiction [to which the member has been admitted] and that, if the attorney has actively engaged in the practice of law in this state in the preceding two years, all clients for whom the attorney has performed any professional services or by whom the attorney has been retained during that time in this state have been notified of the resignation.

(b) … no change

(c) … no change

Note: Adopted January 31, 1995 to be effective March 1, 1995; paragraphs (a) and (c) amended July 28, 2004 to be effective September 1, 2004; paragraph (a) amended July 9, 2008 to be effective September 1, 2008.

1:20A-2. Jurisdiction

(a) … no change

(b) Discretionary Jurisdiction. A Fee Committee may, in its discretion, decline to arbitrate fee disputes:

[(1) involving a matter in which no attorney's services have been rendered for at least two years;]

(1) [(2)] in which persons who are not parties to the arbitration have an interest that would be substantially affected by the arbitration;

(2) [(3)] in which the primary issues in dispute raise substantial legal questions in addition to the basic fee dispute;

(3) [(4)] in which the total fee charged exceeds $100,000, excluding out-of-pocket costs and disbursements;

(4) [(5)] involving multijurisdictional practitioners where it appears that substantial services involving the practice of law in New Jersey have not been rendered in the matter.

(c) Absence of Jurisdiction. A Fee Committee shall not have jurisdiction to decide:

(1) … no change

(2) … no change.

(3) a fee for legal services rendered by the Office of the Public Defender, pursuant to N.J.S.A. 2A:158A-1 et seq.; and

(4) a fee in which no attorney's services have been rendered for more than six years from the last date services were rendered.

(d) … no change

Note: Adopted February 23, 1978 to be effective April 1, 1978; amended January 31, 1984 to be effective February 15, 1984; amended June 29, 1990 to be effective September 4, 1990; text deleted, new paragraphs (a)(b)(c) and (d) adopted January 31, 1995 to be effective March 1, 1995; new paragraph (c)(3) added July 12, 2002 to be effective September 3, 2002; paragraphs (a) and (b) amended July 28, 2004 to be effective September 1, 2004; paragraph (b)(1) deleted, paragraphs (b)(2) through (b)(5) renumbered as paragraphs (b)(1) through (b)(4), paragraph (c)(3) amended, and new paragraph (c)(4) adopted July 9, 2008 to be effective September 1, 2008.

1:20A-3. Arbitration

(a) … no change

(b) Procedure.

(1) … no change

(2) Notice; Attorney Response. The Fee Committee shall notify the parties at least 10 days in advance, in writing, of the time and place of hearing, and shall have the power, at a party's request and for good cause shown, or on its own motion, to compel the attendance of witnesses and the production of documents by the issuance of subpoenas in accordance with R. 1:20-7(i). All parties shall promptly report changes of address to the secretary of the Fee Committee, the hearing panel chair or single member arbitrator, and other parties. All service on attorneys required by fee arbitration rules shall be made in accordance with Rule 1:20-7(h), except that service by mail may be made by regular mail, unless the letter will result in barring an attorney [a party] from further participation or unless the attorney updates an address as stated above in which event service will be made at that address. Service on non-attorney parties shall be made at their last known address by regular mail, unless the address has been updated as stated above, in which event it shall be sent to the updated address.

The secretary of the Fee Committee shall serve on the attorney a copy of the client's written request for fee arbitration, and any supplemental documentation supplied to the panel; the secretary shall also forward to the attorney for completion an Attorney Fee Response form in a form approved by the Director. The secretary shall also serve a copy of the client's request for fee arbitration and an Attorney Fee Response on the law firm, if any, of which the original attorney is a member. The attorney shall specifically set

forth in the Attorney Fee Response the name of any other third party attorney or law firm which the original attorney claims is liable for all or a part of the client's claim. The attorney shall file with the secretary the completed Attorney Fee Response, together with any supplemental documentation, within 20 days of receipt of the client's written request for fee arbitration; the attorney shall certify that a true copy of the Attorney Fee Response has been served on the client. Failure to file the Attorney Fee Response shall not delay the scheduling of a hearing. If the attorney fails to timely file an attorney fee response, the secretary shall inform the attorney that unless an attorney fee response is filed, and the filing fee paid, within 20 days of the date that the attorney is notified in writing, the attorney shall be barred from further participation, and the matter will proceed uncontested. Nothing in this section shall preclude the panel or arbitrator in its discretion from refusing to consider evidence offered by the attorney which would reasonably be expected to have been disclosed on the Attorney Fee Response.

(3) … no change

(4) Conduct of Hearing; Determination. All arbitration hearings shall be conducted formally and in private, but the strict rules of evidence need not be observed. All witnesses including all parties to the proceeding shall be duly sworn, and no stenographic or other similar record shall be made except in exceptional circumstances at the direction of the Board or the Director. Both the client and the attorney whose fee is questioned shall have the right to be present at all times during the hearing with their attorneys, if any. If special circumstances dictate, the trier of fact may accept testimony of a witness by telephone or video conference. The written determination of the hearing

panel or the single member arbitrator shall be in the form approved by the Director and shall have annexed a brief statement of reasons therefor. If a stay of a proceeding pending in court has been entered prior to the Fee Committee's determination, when the determination is rendered the secretary of the Fee Committee shall, if requested by either party, send a copy of the determination to the Clerk of the Court who is to vacate the stay and relist the matter. Where a third party attorney or law firm has been properly joined the arbitration determination shall clearly state the individuals or entities liable for the fee, or to whom the fee is due and owing. It shall be served on the parties and filed with the Director by ordinary mail within thirty (30) days following the conclusion of the hearing or from the end of any time period permitted for the supplemental briefs or other materials. Both the attorney and the client shall have 30 days from receipt to comply with the determination of the Fee Committee. Enforcement of arbitration determinations and stipulations of settlement shall be governed by paragraph (e).

(c) … no change

(d) … no change

(e) … no change

Note: Adopted February 23, 1978 to be effective April 1, 1978; paragraph (c) amended, new paragraph (d) adopted and paragraph (d) redesignated (e) July 15, 1982 to be effective September 13, 1982; paragraphs (a) through (e) amended January 31, 1984 to be effective February 15, 1984; paragraph (b) amended November 1, 1985 to be effective January 2, 1986; paragraphs (a) and (b) amended November 5, 1986 to be effective January 1, 1987; paragraphs (d) and (e) amended November 7, 1988 to be effective January 2, 1989; paragraphs (a) and (b) amended and subheadings (1), (2), (3) and (4) added June 29, 1990 to be effective September 4, 1990; paragraph (a)(1) amended and subparagraph (a)(2) added February 8, 1993 to be effective March 1, 1993; paragraphs (a)(b)(c)(d) and (e) amended, new paragraph (c)(4) adopted January 31, 1995 to be effective March 1, 1995; paragraph (e) amended June 28, 1996 to be effective September 1, 1996; paragraph (d) amended July 10, 1998 to be effective September 1, 1998; paragraphs (a)(1), (a)(2), (b)(2), (b)(3), (d), and (e) amended July 5, 2000 to be effective

September 5, 2000; paragraph (c) amended July 28, 2004 to be effective September 1, 2004; subparagraphs (b)(2) and (b)(4) amended July 9, 2008 to be effective September 1, 2008.

1:21-6. Recordkeeping; Sharing of Fees; Examination of Records

(a) … no change

(b) Account Location; Financial Institution's Reporting Requirements. An attorney trust account shall be maintained only in New Jersey financial institutions approved by the Supreme Court, which shall annually publish a list of such approved institutions. A financial institution shall be approved if it shall file with the Supreme Court an agreement, in a form provided by the Court, to report to the Office of Attorney Ethics in the event any properly payable attorney trust account instrument is presented against insufficient funds, irrespective of whether the instrument is honored; any such agreement shall apply to all branches of the financial institution and shall not be canceled except on thirty days' notice in writing to the Office of Attorney Ethics. The agreement shall further provide that all reports made by the financial institution shall be in the following format: (1) in the case of a dishonored instrument, the report shall be identical to the overdraft notice customarily forwarded to the depositor; (2) in the case of instruments that are presented against insufficient funds but which instruments are honored, the report shall identify the financial institution, the attorney or law firm, the account number, the date of presentation for payment, and the date paid, as well as the amount of the overdraft created thereby. Such reports shall be made simultaneously with, and within the time provided by law for, notice of dishonor, if any; if an instrument presented against insufficient funds is honored, then the report shall be made within five banking days of the date of presentation for payment against insufficient funds.

In addition, each financial institution approved by the Supreme Court must co-operate with the IOLTA Program, and must offer an IOLTA account to any attorney who

wishes to open one, and must from its income on such IOLTA accounts remit to the Fund the amount remaining after providing such institution a just and reasonable return equivalent to its return on similar non-IOLTA interest-bearing deposits. These remittances shall be monthly unless otherwise authorized by the Fund.

Nothing herein shall prevent an attorney from establishing a separate interest-bearing account for an individual client in accordance with these rules, providing that all interest earned shall be the sole property of the client and may not be retained by the attorney.

In addition to the reports specified above, approved financial institutions shall agree to cooperate fully with the Office of Attorney Ethics and to produce any attorney trust account or attorney business account records on receipt of a subpoena therefor. [Digital images of these records may be kept and produced by financial institutions provided that: (a) imaged copies of checks shall, when printed, be limited to no more than two checks per page (front and back) and (b) all digital records shall be maintained for a period of seven years. Nothing herein shall preclude a financial institution from charging an attorney or law firm for the reasonable cost of producing the reports and records required by this Rule. Every attorney or law firm in this state shall be conclusively deemed to have consented to the reporting and production requirements mandated by this Rule.]

<u>Digital images of these records may be maintained by financial institutions provided that: (a) imaged copies of checks shall, when printed (including, but not limited to, when images are provided to the attorney with a monthly statement or otherwise or</u>

when subpoenaed by the Office of Attorney Ethics), be limited to no more than two checks per page (showing the front and back of each check) and (b) all digital records shall be maintained for a period of seven years. Nothing herein shall preclude a financial institution from charging an attorney or law firm for the reasonable cost of producing the reports and records required by this Rule. Every attorney or law firm in this state shall be conclusively deemed to have consented to the reporting and production requirements mandated by this Rule.

(c) … no change

(d) … no change

(e) … no change

(f) … no change

(g) … no change

(h) … no change

(i) … no change

(j) … no change

Note: Source -- R.R. 1:12-5A(a)(b)(c). Caption amended and paragraph (d) adopted July 1, 1970 effective immediately; paragraph (c) amended July 7, 1971 to be effective September 13, 1971; paragraph (a) amended April 2, 1973 to be effective immediately; paragraph (c) amended July 17, 1975 to be effective September 8, 1975; caption and paragraph (a) amended July 29, 1977 to be effective September 6, 1977. Paragraphs (a) and (b) amended, new paragraph (c) adopted and former paragraphs (c), (d), (e), (f) and (g) redesignated and amended February 23, 1978 to be effective April 1, 1978; paragraphs (b), (c) and (h) amended November 22, 1978 to be effective January 1, 1979; paragraph (a) amended July 16, 1979 to be effective September 10, 1979; paragraph (b) amended July 16, 1981 to be effective September 14, 1981; paragraphs (a), (b), (c), (g) and (h) amended January 31, 1984 to be effective February 15, 1984 except that the amendments to paragraph (a)(2) regarding designations to be placed on trust and business accounts shall not be effective until July 1, 1984; effective date of amendment to paragraph (a)(2) deferred on June 15, 1984 from July 1, 1984 to September 1, 1984; paragraphs (a)(1) and (2), (e)(1) and (h) amended July 26, 1984 to be effective September

10, 1984; paragraphs (a), (e) and (f) amended November 1, 1984 to be effective March 1, 1985; paragraphs (b) and (c) amended and paragraph (i) adopted November 5, 1986 to be effective January 1, 1987; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; paragraph (a)(2) amended September 15, 1992, to be effective January 1, 1993; former paragraph (e) deleted and new paragraph (e) adopted November 18, 1996, to be effective January 1, 1997; paragraph (a) amended, new paragraph (b) added, former paragraphs (b) through (i) redesignated as paragraphs (c) through (j), and redesignated paragraphs (c), (d), (e), (h), and (i) amended July 12, 2002 to be effective September 3, 2002; caption of Rule and paragraphs (a) and (b) amended February 6, 2003 to be effective March 1, 2003; paragraph (c) , (e), (f), (g), and (j) amended July 28, 2004 to be effective September 1, 2004; paragraph (b) amended July 9, 2008 to be effective September 1, 2008.

1:21-7. Contingent Fees

(a) … no change

(b) … no change

(c) … no change

(d) The permissible fee provided for in paragraph (c) shall be computed on the net sum recovered after deducting disbursements in connection with the institution and prosecution of the claim, whether advanced by the attorney or by the client, including investigation expenses, expenses for expert or other testimony or evidence, the cost of briefs and transcripts on appeal, and any interest included in a judgment pursuant to R. 4:42-11(b); but no deduction need be made for post-judgment interest or for liens, assignments or claims in favor of hospitals or for medical care and treatment by doctors and nurses, or similar items. The permissible fee shall include legal services rendered on any appeal or review proceeding or on any retrial, but this shall not be deemed to require an attorney to take an appeal. When [Where] joint representation is undertaken [on behalf of both a husband and wife or parent (or guardian) and child in a] in both the direct and derivative action, or when [where] a claim for wrongful death is joined with a claim on behalf of a decedent, the contingent fee shall be calculated on the aggregate sum of the recovery.

(e) … no change

(f) If at the conclusion of a matter an attorney considers the fee permitted by paragraph (c) to be inadequate, an application on written notice to the client may be made to the Assignment Judge for the hearing and determining of a reasonable fee in light of all the circumstances. [A copy of any such application and of all papers filed in support of

or in opposition thereto, together with a copy of the court order fixing the fee shall be filed with the Administrative Office of the Courts.] This rule shall not preclude the exercise of a client's existing right to a court review of the reasonableness of an attorney's fee.

(g) … no change

(h) … no change

(i) … no change

Note: Source--R. 1:21-6(f), as adopted July 7, 1971 to be effective September 13, 1971 and deleted December 21, 1971 to be effective January 31, 1972. Adopted December 21, 1971 to be effective January 31, 1972. Amended June 29, 1973 to be effective September 10, 1973. Paragraphs (c) and (e) amended October 13, 1976, effective as to contingent fee arrangements entered into on November 1, 1976 and thereafter. Closing statements on all contingent fee arrangements filed as previously required between January 31, 1972 and January 31, 1973 shall be filed with the Administrative Office of the Courts whenever the case is closed; paragraph (c) amended July 29, 1977 to be effective September 6, 1977; paragraph (d) amended July 24, 1978 to be effective September 11, 1978; paragraph (c) amended and new paragraphs (h) and (i) adopted January 16, 1984, to be effective immediately; paragraph (d) amended July 26, 1984 to be effective September 10, 1984; paragraph (e) amended June 29, 1990 to be effective September 4, 1990; paragraphs (b) and (c)(5) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended June 28, 1996 to be effective September 1, 1996; paragraph (c) amended January 21, 1999 to be effective April 5, 1999; paragraphs (g) and (h) amended July 5, 2000 to be effective September 5, 2000; paragraph (c) amended July 12, 2002 to be effective September 3, 2002; paragraphs (d) and (f) amended July 9, 2008 to be effective September 1, 2008.

1:21-10. Provision of Legal Services Following Determination of Major Disaster

(a) Determination of Existence of Major Disaster. Solely for purposes of this Rule, the Supreme Court shall determine when an emergency affecting the justice system, as a result of a natural or other major disaster, has occurred:

(1) in New Jersey and whether the emergency caused by the major disaster affects all or only a part of the State, or

(2) in another jurisdiction, but only after such a determination and its geographical scope have been made by the highest court of that jurisdiction. The authority to engage in the temporary practice of law in New Jersey pursuant to paragraph (c) of this Rule shall extend only to lawyers who principally practice in the area of such other jurisdiction determined to have suffered a major disaster causing an emergency affecting the justice system and the provision of legal services.

(b) Temporary Practice in New Jersey Following Major Disaster. Following the determination of an emergency affecting the justice system in New Jersey pursuant to paragraph (a) of this Rule, or a determination that persons displaced by a major disaster in another jurisdiction and residing in New Jersey are in need of pro bono services and the assistance of lawyers from outside of New Jersey is required to help provide such assistance, a lawyer authorized to practice law in another United States jurisdiction, and not disbarred, suspended from practice or otherwise restricted from practice in any jurisdiction, may provide legal services in this jurisdiction on a temporary basis. Such legal services must be provided on a pro bono basis without compensation, expectation of compensation or other direct or indirect pecuniary gain to the lawyer. Such legal services shall be

assigned and supervised through an established not-for-profit bar association, pro bono program or legal services program or through such organization(s) specifically designated by the Court.

(c) Temporary Practice in New Jersey Following Major Disaster in Another Jurisdiction. Following the determination of a major disaster in another United States jurisdiction, a lawyer who is authorized to practice law and who principally practices in that affected jurisdiction, and who is not disbarred, suspended from practice or otherwise restricted from practice in any jurisdiction, may provide legal services in New Jersey on a temporary basis. Those legal services must arise out of and be reasonably related to that lawyer's practice of law in the jurisdiction, or area of such other jurisdiction, where the major disaster occurred.

(d) Duration of authority for temporary practice.

(1) The authority to practice law in New Jersey granted by paragraph (b) of this Rule shall end when the Supreme Court determines that the conditions caused by the major disaster in New Jersey have ended, except that a lawyer then representing clients in New Jersey pursuant to paragraph (b) of this Rule is authorized to continue the provision of legal services for such time as is reasonably necessary to complete the representation, but the lawyer shall not thereafter accept new clients.

(2) The authority to practice law in New Jersey granted by paragraph (c) of this Rule shall end 60 days after the Supreme Court declares that the conditions caused by the major disaster in the affected jurisdiction have ended.

(e) Court Appearances. The authority granted by this Rule does not include appearances in court except:

(1) pursuant to R. 1:21-2 (appearances pro hac vice) and, if such admission is granted, the fees for such admission shall be waived; or

(2) if the Supreme Court, in any determination made under paragraph (a) of this Rule, grants blanket permission to appear in all or designated courts of this jurisdiction to lawyers providing legal services pursuant to paragraph (b) of this Rule. If such permission is granted, any pro hac vice admission fees shall be waived.

(f) Disciplinary Authority, Registration, Lawful Practice of Law. Lawyers providing legal services in New Jersey pursuant to this Rule:

(1) are subject to the Supreme Court's disciplinary authority and the Rules of Professional Conduct;

(2) shall, within 30 days from the commencement of the provision of legal services in New Jersey, file a registration statement with the Clerk of the Supreme Court. The registration statement shall be in a form prescribed by the Supreme Court;

(3) shall not be considered to be engaged in the unlawful practice of law in New Jersey; and

(4) shall not be required to comply with R. 1:20-1(b) or (c), R. 1:28-2 or R. 1:28B-1 (payment of annual assessments and filing of annual registration statement with New Jersey Lawyers' Fund for Client Protection).

(g) Notification to Clients. Lawyers who provide legal services pursuant to this Rule shall inform clients in New Jersey of the jurisdiction in which they are authorized to practice law, any limits of that authorization, and that they are not authorized to practice law in New Jersey except as permitted by this Rule. They shall not state or imply to any person that they are otherwise authorized to practice law in New Jersey.

Note: Adopted July 9, 2008 to be effective September 1, 2008.

1:27-2. Limited License; In-House Counsel.

To be eligible to practice law in New Jersey as an in-house counsel, a lawyer must comply with the provisions of this Rule. A limited license issued by the Supreme Court pursuant to this Rule shall authorize the lawyer to practice solely for the designated employer in New Jersey or eligible constituents of the designated employer as set forth in subparagraph (b)(iii) of this rule. Except as specifically limited herein, the rules, rights and privileges governing the practice of law in this State shall be applicable to a lawyer admitted under this Rule.

(a) In-House Councel Defined. … no change

(b) Requirements. … no change

(i) … no change

(ii) … no change

(iii) The applicant certifies that he or she performs legal services in this State solely for the identified employer, or that he or she performs legal services in this State solely for the identified employer and its constituents (employees, directors, officers, members, partners, shareholders) in respect of the same proceeding or claim as the employer, provided that the performance of such services is consistent with RPC 1.13 and RPC 1.7; and

(iv) … no change

(c) Compliance. … no change

(d) Limitation. In-house counsel shall not appear as Attorney of Record for his or her employer, its parent, subsidiary, [or] affiliated entities or any of their constituents

in any case or matter pending before the courts of this State, except pursuant to R. 1:21-1(c) and R. 1:21-2.

(e) Duration. The limited license to practice law in this State shall expire if such lawyer is admitted to the Bar of this State under any other rule of this Court, or if such lawyer ceases to be an employee for the employer or its parent, subsidiary, or affiliated entities, listed on such lawyer's application, whichever shall first occur; provided, however, that if such lawyer, within ninety days of ceasing to be an employee for the employer or its parent, subsidiary, or affiliated entities listed on such lawyer's application, becomes employed by another employer for which such lawyer shall perform legal services as in-house counsel, such lawyer may maintain his or her admission under this Rule by promptly filing with the Secretary to the Board of Bar Examiners a certification to such effect, stating the date on which his or her prior employment ceased and his/her new employment commenced, identifying his or her new employer and reaffirming that he or she shall not provide legal services, in this State, to any [other] individual or entity other than as described in (b)(iii). The lawyer shall also file a certification of the new employer as described in (b)(iv). In the event that the employment of a lawyer admitted under this Rule shall cease with no subsequent employment by a successor employer within ninety days, such lawyer shall promptly file with the Secretary to the Board of Bar Examiners a statement to such effect, stating the date that such employment ceased.

(f) Fee. … no change

Note: New R. 1:27-2 adopted November 17, 2003 to be effective January 1, 2004; paragraph (e) amended November 29, 2006 to be effective immediately; subparagraph (b)(iii) and paragraphs (d) and (e) amended July 9, 2008 to be effective September 1, 2008.

1:34-6. Office of Foreclosure

There shall be an Office of Foreclosure within the Administrative Office of the Courts. This office shall be responsible for recommending the entry of orders or judgments in uncontested foreclosure matters pursuant to R. 4:64-1 and R. 4:64-7 subject to the approval of a Superior Court Judge designated by the Chief Justice. The Office of Foreclosure may also recommend the entry of the following orders in uncontested actions:

(1) correcting a clerical error in orders or judgments;

(2) correcting the defendant's name;

(3) correcting venue;

(4) substituting the plaintiff if, during the course of the foreclosure action, the original plaintiff reorganizes, merges with another entity, is acquired by another entity, or assigns the mortgage to another entity;

(5) entering default;

(6) extending time to answer;

(7) filing an amended complaint, provided no new cause of action or claim for relief is set forth in the amended complaint;

(8) [(3)] vacating a default entered by the clerk;

(9) [(4)] vacating judgment and execution, reinstating a bond or note and mortgage and, with the consent of the answering defendants, dismissing the proceedings;

(10) [(5)] authorizing the sheriff to collect additional sums;

(11) [(6)] dismissing the tax foreclosure action as to any parcel redeemed; [and]

(12) [(7)] vacating an *in rem* foreclosure judgment upon application of the municipality owner[.];

(13) correcting minor technical irregularities in the mortgage, note or legal description, if a substantial right of a party is not prejudiced;

(14) substituting heirs and personal representative for deceased defendants; and

(15) disbursing surplus foreclosure money.

Note: Adopted July 22, 1983 to be effective September 12, 1983; subparagraphs (1) and (2) amended, subparagraphs (3) through (7) renumbered as (8) through (12), subparagraphs (9) through (12) amended, new subparagraphs (3) through (7) and (13) through (15) adopted July 9, 2008 to be effective September 1, 2008.

1:40-6. Mediation of Civil, Probate, and General Equity Matters

The CDR program of each vicinage shall include mediation of civil, probate, and general equity matters, pursuant to rules and guidelines approved by the Supreme Court.

(a) …no change

(b) …no change

(c) …no change

(d) Withdrawal and Removal from Mediation. A motion for removal from mediation shall be filed and served upon all parties within 10 days after the entry of the mediation referral order and shall be granted only for good cause. Any party may withdraw from mediation after the initial [three] two hours provided for by paragraph (a) of this rule. The mediation may, however, continue with the consent of the mediator and the remaining parties if they determine that it may be productive even without participation by the withdrawing party.

(e) …no change

(f) …no change

(g) …no change

Note: Adopted July 5, 2000 to be effective September 5, 2000 (and former Rule 1:40-6 redesignated as *Rule* 1:40-7); paragraph (b) amended July 12, 2002 to be effective September 3, 2002; paragraphs (e) and (g) amended July 27, 2006 to be effective September 1, 2006; paragraph (a) amended September 11, 2006 to be effective immediately; paragraph (d) amended July 9, 2008 to be effective September 1, 2008.

3:26-1. Right to Bail Before Conviction

(a) Persons Entitled; Standards for Fixing. … no change

(b) Restrictions on Contact. … no change

(c) Crimes with Bail Restrictions Defined in N.J.S.A. 2A:162-12. If a defendant is charged with a crime with bail restrictions as defined in N.J.S.A. 2A:162-12, no later than the time of posting bail or proffering the surety or bail bond, the defendant shall provide to the prosecutor, on the Bail Source Inquiry Questionnaire promulgated by the Attorney General, relevant information about the obligor, indemnifier or person posting cash bail, the security offered, and the source of any money or property used to post the cash bail or secure the surety or bail bond.

(d) [(c)] On Failure to Indict. … no change

(e) [(d)] On Failure to Move Indictment. … no change

(f) [(e)] Extradition Proceedings. … no change

Note: Source-R.R. 3:9-1(a)(b)(c)(d); paragraph (a) amended September 28, 1982 to be effective immediately; paragraphs (a), (b), (c) and (d) amended July 13, 1994 to be effective January 1, 1995; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; new paragraph (b) adopted, and former paragraphs (b), (c), and (d) redesignated as paragraphs (c), (d), and (e) June 15, 2007 to be effective September 1, 2007; new paragraph (c) adopted and former paragraphs (c), (d), and (e) redesignated as paragraphs (d), (e), and (f) July 9, 2008 to be effective September 1, 2008.

3:26-8. Bail Sufficiency; Source Hearing

(a) Time and Notice. The State may request either orally or in writing, at any time prior to the commencement of trial, a hearing pursuant to N.J.S.A. 2A:162-13. The request shall be made on notice to the defendant's counsel, or on notice to the defendant if he or she is unrepresented at the time the request is made.

(b) Request for Hearing. If the State requests a hearing pursuant to N.J.S.A. 2A:162-13 and the defendant is charged with a crime enumerated in paragraph (a) of N.J.S.A. 2A:162-12, the court shall conduct a hearing within the time prescribed by section (c) hereof. If the State requests a hearing pursuant to N.J.S.A. 2A:162-13 and the defendant is not charged with a crime enumerated in paragraph (a) of N.J.S.A 2A:162-12, the State must demonstrate a reasonable and well grounded basis to warrant an inquiry by the court regarding:

(1) the reliability of the obligor or person posting cash bail, the value and sufficiency of any security offered, the relationship of the obligor or person posting cash bail to the defendant, and the defendant's interest in ensuring that the bail is not forfeited, or

(2) whether the funds used to post the cash bail or secure the bail bond were acquired as a result of criminal or unlawful conduct.

If the court grants the State's request for a hearing as to a defendant who is not charged with a crime enumerated in paragraph (a) of N.J.S.A. 2A:162-12, the court shall set forth on the record and in the bail order the reasons for granting the request.

(c) Time of Hearing. The court shall conduct a hearing required or authorized pursuant to N.J.S.A. 2A:162-13 within three (3) business days after bail is posted or proffered if defendant is incarcerated, or within a reasonable period of time after granting the request if the defendant has been released on bail.

(d) Release of Defendant; Failure to Appear. If the defendant has not yet been released when the State requests a hearing for a person charged with a crime with enumerated in N.J.S.A. 2A:162-12 or when the court grants a request for a hearing for any other offense, the defendant shall remain in custody until further order of the court. If the defendant has already been released after posting bail, the defendant's bail status shall be maintained until the completion of the hearing and the defendant will be notified when to appear in court for the hearing. Should the defendant fail to appear for the hearing the bail shall be forfeited and a warrant shall issue for the arrest of the defendant.

(e) Hearing. At the hearing pursuant to N.J.S.A. 2A:162-13, the court may order the examination, under oath or otherwise, of any person who may possess relevant information, and may inquire into any matter appropriate to its determination, including, but not limited to, the following:

(1) The character, background and reputation of the person posting cash bail;

(2) The relationship of the person posting cash bail or securing a bail bond to the defendant;

(3) The source of any money posted as cash bail and whether any such money constitutes the fruits of criminal or unlawful conduct;

(4) The character, background and reputation of any person who has indemnified or agreed to indemnify an obligor on the bond;

(5) The character, background, and reputation of any obligor, or, in the case of a surety bond, the qualifications of the surety and its executing agent;

(6) The source of any money or property deposited by any obligor as security and whether such money or property constitutes the fruits of criminal or unlawful conduct; and

(7) The source of any money or property delivered or agreed to be delivered by any obligor as indemnification on the bond and whether such money or property constitutes the fruits of criminal or unlawful conduct.

(f) Order. At the conclusion of the hearing, the court shall make specific findings of fact and issue an order complying with N.J.S.A. 2A:162-13(b) regarding the person posting or proffering cash bail or serving as obligor on any bond, the sufficiency and value of the security for bail posted or proffered by the defendant, the source of funds used to post cash bail or secure a bail bond and identifying the approved source(s) of bail. The defendant shall not be released from custody unless he or she complies with the conditions of the court's order. If the defendant has already been released, he or she shall be returned to custody, immediately, and not be released until the conditions of the court order regarding the bail are satisfied.

(g) Nothing herein shall prevent the court from otherwise setting bail, or altering bail on motion therefor, in accordance with the rules of court.

Note: Adopted July 9, 2008 to be effective September 1, 2008.

4:3-3. Change of Venue in the Superior Court

(a) …no change

(b) Time; Form of Order; Filing. A motion for a change of venue shall be made not later than 10 days after the expiration of the time prescribed by R. 4:6-1 for the service of the last permissible responsive pleading, or, if the action is brought pursuant to R. 4:67 (summary actions), on or before the return date. If not so made, objections to venue shall be deemed waived except that if the moving party relies on R. 4:3-3(a)(2) the motion may be made at any time before trial. The order changing venue shall not be incorporated in any other order and shall be filed in triplicate. If a mediator has already been appointed, the party moving to change venue shall serve a copy of the motion on that person prior to the mediation date. The moving party also shall promptly serve on the mediator a copy of the order entered on the motion.

(c) …no change.

Note: Source – R.R. 4:3-3. Paragraph (a) amended December 20, 1983 to be effective December 31, 1983; paragraph (a) amended November 1, 1985 to be effective January 2, 1986; paragraph (a) amended and paragraph (c) adopted November 5, 1986 to be effective January 1, 1987; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraph (a) amended June 29, 1990 to be effective September 4, 1990; paragraph (b) amended July 9, 2008 to be effective September 1, 2008 .

4:4-4. Summons; Personal Service; *In Personam* Jurisdiction

Service of summons, writs and complaints shall be made as follows:

(a) Primary Method of Obtaining *In Personam* Jurisdiction. The primary method of obtaining *in personam* jurisdiction over a defendant in this State is by causing the summons and complaint to be personally served within this State pursuant to R. 4:4-3, as follows:

(1) …no change

(2) …no change

(3) …no change

(4) …no change

(5) …no change

(6) …no change

(7) …no change

(8) …no change

The foregoing notwithstanding, in personam jurisdiction may be obtained by mail under the circumstances and in the manner provided by *R*. 4:4-3.

(b) …no change

(c) …no change

Note: Source-R.R. 4:4-4. Paragraph (a) amended July 7, 1971 to be effective September 13, 1971; paragraphs (a) and (b) amended July 14, 1972 to be effective September 5, 1972; paragraph (f) amended July 15, 1982 to be effective September 13, 1982; paragraph (e) amended July 26, 1984 to be effective September 10, 1984; paragraph (a) amended November 1, 1985 to be effective January 2, 1986; paragraphs (a), (f) and (g) amended November 5, 1986 to be effective January 1, 1987; paragraph (i) amended November 2, 1987 to be effective January 1, 1988; paragraph (e) amended November 7, 1988 to be effective January 2, 1989; paragraphs (a) and (b) amended July 14, 1992 to be effective

September 1, 1992; text deleted and new text substituted July 13, 1994 to be effective September 1, 1994; paragraph (c) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a)(3), (b)(1)(A), (b)(1)(C), and (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (a) amended July 9, 2008 to be effective September 1, 2008.

4:4-5. Summons; Service on Absent Defendants; *In Rem* or Quasi *In Rem* Jurisdiction

Whenever, in actions affecting specific property, or any interest therein, or any res within the jurisdiction of the court, or in matrimonial actions over which the court has jurisdiction, wherein it shall appear by affidavit of the plaintiff's attorney or other person having knowledge of the facts, that a defendant cannot, after diligent inquiry[,] as required by this rule, be served within the State, service may, consistent with due process of law, be made by any of the following four [4] methods:

(a) personal service outside this State as prescribed by R. 4:4-4(b)(1)(A) and (B); or

(b) service by mail as prescribed by R. 4:4-4(b)(1)(C); or

(c) by publication of a notice to absent defendants once in a newspaper published or of general circulation in the county in which the venue is laid; and also by mailing, within 7 days after publication, a copy of the notice as herein provided and the complaint to the defendant, prepaid, to the defendant's residence or the place where the defendant usually receives mail, unless it shall appear by affidavit that such residence or place is unknown, and cannot be ascertained after inquiry as herein provided or unless the defendants are proceeded against as unknown owners or claimants pursuant to *R*. 4:26-5(c). [But] If defendants are proceeded against pursuant to *R*. 4:26-5(c), a copy of the notice shall be posted upon the lands affected by the action within 7 days after publication[;]. [(1)] The notice of publication to absent defendants required by this rule shall be in the form of a summons, without a caption[,]. The top of the notice shall include the docket number of the action, the court, and county of venue. [and] The notice shall state briefly:

(1) the object of the action, the name of the plaintiff and defendant followed by *et al.*, if there are additional parties, [and] the name of the person or persons to whom the notice [it] is addressed, and [why] the basis for joining such person [is] as [made] a defendant; and

(2) [where] if the action concerns real estate, the municipality in which [the street on which the real estate is situate, and, if the property is improved, the street number of the same, if any,] the property is located, its street address, if improved, or the street on which it is located, if unimproved, and its tax map lot and block numbers; and

(3) if the action is to foreclose a mortgage, tax sale certificate, or lien of a condominium or homeowners association, [is to be foreclosed,] the parties to the instrument [thereto] and the date thereof[.] , and the recording date and book and page of a recorded instrument; and

(4) the information required by *R.* 4:4-2 regarding the availability of Legal Services and Lawyer Referral Services together with telephone numbers of the pertinent offices in the vicinage in which the action is pending or the property is located; or

(d) as may be provided by court order.

[(2)] The inquiry required by this rule shall be made by the plaintiff, plaintiff's attorney actually entrusted with the conduct of the action, or by the agent of the attorney; it shall be made of any person who the inquirer has reason to believe possesses knowledge or information as to the defendant's residence or address or the matter inquired of; the inquiry shall be undertaken in person or by letter enclosing sufficient postage for the return of an answer; and the inquirer shall state that an action has been or is about to be commenced against the person inquired for, and that the object of the inquiry is to give notice of the

action in order that the person may appear and defend it. The affidavit of inquiry shall be made by the inquirer fully specifying the inquiry made, of what persons and in what manner, so that by the facts stated therein it may appear that diligent inquiry has been made for the purpose of effecting actual notice[; or].

[(d) as may be provided by court order.]

Note: Source – R.R. 4:4-5(a)(b)(c)(d), 4:30-4(b) (second sentence). Paragraph (c) amended July 7, 1971 to be effective September 13, 1971; paragraph (c) amended July 14, 1972 to be effective September 5, 1972; amended July 24, 1978 to be effective September 11, 1978; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraphs (a) (b) (c) (d) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended June 28, 1996 to be effective September 1, 1996; introductory paragraph amended, paragraph (c) amended, and portion of paragraph (c) relocated as closing paragraph of rule July 9, 2008 to be effective September 1, 2008.

4:5-1. General Requirements for Pleadings

(a) …no change

(b) Requirements for First Pleadings.

(1) Case Information Statement. A Case Information Statement in the form prescribed by Appendix XII-B(1) (Civil Actions General) or Appendix XII-B(2) (Foreclosure Actions) shall be annexed as a cover sheet to each party's first pleading in all civil actions except civil commitment actions brought pursuant to Rule 4:74-7, probate actions, and all non-foreclosure general equity actions. [Except in civil commitment actions brought pursuant to R. 4:74-7 and in actions in probate, foreclosure and all other general equity actions, a Case Information Statement in the form prescribed by Appendix XII to these rules shall be annexed as a cover sheet to each party's first pleading.]

(2) …no change

(c) …no change

Note: Source – R.R.4:7-1; amended July 26, 1984 to be effective September 10, 1984; caption and text amended November 26, 1990 to be effective April 1, 1991; paragraph (c) added July 13, 1994 to be effective September 1, 1994; paragraph (b)(2) amended July 10, 1998 to be effective September 1, 1998; paragraph (b)(1) amended July 5, 2000 to be effective September 5, 2000; paragraph (b)(1) amended July 9, 2008 to be effective September 1, 2008.

4:23-5. Failure to Make Discovery

(a) Dismissal.

(1) Without Prejudice. If a demand for discovery pursuant to R. 4:17, R. 4:18-1, or R. 4:19 is not complied with and no timely motion for an extension or a protective order has been made, the party entitled to discovery may, except as otherwise provided by paragraph (c) of this rule, move, on notice, for an order dismissing or suppressing the pleading of the delinquent party. The motion shall be supported by an affidavit reciting the facts of the delinquent party's default and stating that the moving party is not in default in any discovery obligations owed to the delinquent party. Unless good cause for other relief is shown, the court shall enter an order of dismissal or suppression without prejudice. Upon being served with the order of dismissal or suppression without prejudice, counsel for the delinquent party shall forthwith serve a copy of the order on the client by regular and certified mail, return receipt requested, accompanied by a notice in the form prescribed by Appendix [II-F] II-A of these rules, specifically explaining the consequences of failure to comply with the discovery obligation and to file and serve a timely motion to restore. If the delinquent party is appearing pro se, service of the order and notice hereby required shall be made by counsel for the moving party. The delinquent party may move on notice for vacation of the dismissal or suppression order at any time before the entry of an order of dismissal or suppression with prejudice. The motion shall be supported by affidavit reciting that the discovery asserted to have been withheld has been fully and responsively provided and shall be accompanied by payment of a $100 restoration fee to the Clerk of the Superior Court, made payable to the "Treasurer, State of New Jersey," if the motion to vacate is made within 30 days after

entry of the order of dismissal or suppression, or a $300 restoration fee if the motion is made thereafter. If, however, the motion is not made within 90 days after entry of the order of dismissal or suppression, the court may also order the delinquent party to pay sanctions or counsel fees and costs, or both, as a condition of restoration.

(2) With Prejudice. If an order of dismissal or suppression without prejudice has been entered pursuant to paragraph (a)(1) of this rule and not thereafter vacated, the party entitled to the discovery may, after the expiration of [90] 60 days from the date of the order, move on notice for an order of dismissal or suppression with prejudice. The attorney for the delinquent party shall, not later than 7 days prior to the return date of the motion, file and serve an affidavit reciting that the client was previously served as required by subparagraph (a)(1) and has been served with an additional notification, in the form prescribed by Appendix [II-G] II-B, of the pendency of the motion to dismiss or suppress with prejudice. In lieu thereof, the attorney for the delinquent party may certify that despite diligent inquiry, which shall be detailed in the affidavit, the client's whereabouts have not been able to be determined and such service on the client was therefore not made. If the delinquent party is appearing pro se, the moving party shall attach to the motion a similar affidavit of service of the order and notices or, in lieu thereof, a certification as to why service was not made. Appearance on the return date of the motion shall be mandatory for the attorney for the delinquent party or the delinquent pro se party. The moving party need not appear but may be required to do so by the court. The motion to dismiss or suppress with prejudice shall be granted unless a motion to vacate the previously entered order of dismissal or suppression without prejudice has

been filed by the delinquent party and either the demanded and fully responsive discovery has been provided or exceptional circumstances are demonstrated.

(3) …no change

(b) …no change

(c) …no change

Note: Source – R.R. 4:23-6(c)(f), 4:25-2 (fourth sentence); paragraph (a) amended July 29, 1977 to be effective September 6, 1977; paragraph (a) amended July 16, 1981 to be effective September 14, 1981; paragraph (a) amended November 5, 1986 to be effective January 1, 1987; paragraph (a) caption amended and subparagraphs (a)(1) captioned and amended, and (a)(2) and (3) captioned and adopted, June 29, 1990 to be effective September 4, 1990; paragraph (a)(3) amended July 13, 1994 to be effective September 1, 1994; paragraph (a)(1) amended June 28, 1996 to be effective September 1, 1996; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; caption amended, paragraphs (a)(1) and (a)(2) amended, and new paragraph (a)(4) adopted July 5, 2000 to be effective September 5, 2000; paragraph (a)(1) amended and new paragraph (c) added July 12, 2002 to be effective September 3, 2002; paragraph (a)(1) amended and paragraph (a)(4) deleted July 27, 2006 to be effective September 1, 2006; paragraphs (a)(1) and (a)(2) amended July 9, 2008 to be effective September 1, 2008.

4:24-1. Time for Completion of Discovery

(a) …no change

(b) Added Parties. A party filing a pleading that joins a new party to the action shall serve a copy of all discovery materials on [upon] or otherwise make them available to [such] the new party within 20 days after service of the new party's initial pleading. [The joinder of a new party shall extend the period for discovery for 60 days,] If a new party is joined, the scheduled discovery end date shall be extended for a 60-day period, [which may be] unless reduced or enlarged by the court for good cause shown.

(c) Extensions of Time. The parties may consent to extend the time for discovery for an additional 60 days by stipulation filed prior to the expiration of the discovery period. [Such extension may be obtained by signed stipulation filed with the court or by application to the Civil Division Manager or team leader, by telephone or by letter copied to all parties, representing that all parties have consented to the extension. A consensual extension of discovery must be sought prior to the expiration of the discovery period. Any telephone application for extension must thereafter be confirmed in writing to all parties by the party seeking the extension.] If the parties do not agree or a longer extension is sought, a motion for relief shall be filed with the Civil Presiding Judge or designee in Track I, II, and III cases and with the designated managing judge in Track IV cases, and made returnable prior to the conclusion of the applicable discovery period. The movant shall append to such motion copies of all previous orders [extending discovery if there have been no previous orders extending discovery, the motion or the supporting certification shall so state.] granting or denying an extension of discovery or a certification stating that there are none. On restoration of a pleading dismissed pursuant to Rule 1:13-7

or Rule 4:23-5(a)(1) or if good cause is otherwise shown, the [The] court [may, for good cause shown,] shall enter an order extending discovery [for a stated period] and specifying the date by which discovery shall be completed. The extension order [shall] may [also] describe the discovery to be [engaged in] completed and such other terms and conditions as may be appropriate. [Absent exceptional circumstances, no] No extension of the discovery period may be permitted after an arbitration or trial date is fixed, unless exceptional circumstances are shown.

(d) …no change

Note: Source – R.R. 4:28(a)(d); amended July 13, 1994 to be effective September 1, 1994; amended January 21, 1999 to be effective April 5, 1999; caption amended, text amended and designated as paragraph (a), new paragraphs (b), (c), and (d) adopted July 5, 2000 to be effective September 5, 2000; corrective amendment to paragraph (d) adopted February 26, 2001 to be effective immediately; paragraph (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (c) amended July 27, 2006 to be effective September 1, 2006; paragraphs (b) and (c) amended July 9, 2008 to be effective September 1, 2008.

4:25-4. Designation of Trial Counsel

Counsel shall, either in the first pleading or in a writing filed no later than ten days after the expiration of the discovery period, notify the court that designated counsel is to try the case, and set forth the name specifically. If there has been no such notification to the court, the right to designate trial counsel shall be deemed waived. No change in such designated counsel shall be made without leave of court if such change will interfere with the trial schedule. In Track 1 or 2 tort cases pending for more than [three] two years, and in Track 3 or 4 tort cases pending for more than three years, the court, on such notice to the parties as it deems adequate in the circumstances, may disregard the designation if the unavailability of designated counsel will delay trial. If the name of trial counsel is not specifically set forth, the court and opposing counsel shall have the right to expect any partner or associate to proceed with the trial of the case, when reached on the calendar.

Note: Source – R.R. 4:29-3A(a); amended July 13, 1994 to be effective September 1, 1994; amended July 10, 1998 to be effective September 1, 1998; caption and text amended July 5, 2000 to be effective September 5, 2000; amended July 12, 2002 to be effective September 3, 2002; amended July 9, 2008 to be effective September 1, 2008.

4:26-2. Minor or Mentally Incapacitated Person

(a) …no change

(b) …no change

(c) …no change

(d) Filing Foreclosure Reports. Notwithstanding the appointment of a guardian *ad litem* in a foreclosure action to represent the interests of a minor or incapacitated person by a judge, if the written report of the guardian *ad litem* raises no objection or dispute as to the right to foreclosure, the report shall be filed with the Superior Court Clerk in Trenton. Reports which raise an objection or dispute shall be filed with the judge who appointed the guardian *ad litem*.

Note: Source – R.R. 4:30-2(a)(b)(c), 7:12-6; paragraph (b) amended July 16, 1981 to be effective September 14, 1981; paragraphs (a), (b) and (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (b)(3) amended July 13, 1994 to be effective September 1, 1994; caption amended, and paragraphs (a), (b)(1), (b)(2), (b)(3), and (b)(4) amended July 12, 2002 to be effective September 3, 2002; new paragraph (d) added July 9, 2008 to be effective September 1, 2008.

4:32-2. Determining by Order Whether to Certify a Class Action; Appointing Class Counsel; Notice and Membership in the Class; Multiple Classes and Subclasses

(a) …no change

(b) …no change

(c) …no change

(d) …no change

(e) Settlement, Voluntary Dismissal, or Compromise.

(1)(A) …no change

(B) …no change

(C) …no change

(2) …no change

(3) …no change

(4) Any class member may object to a proposed settlement, voluntary dismissal, or compromise that requires court approval under paragraph [(f)(1)] (e)(1)(A) of this rule. An objection made under this paragraph may be withdrawn only with the court's approval.

(f) …no change

(g) …no change

(h) …no change

Note: Effective September 8, 1969; paragraphs (b) and (c) amended November 27, 1974 to be effective April 1, 1975; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; caption amended, paragraphs (a) and (d) caption and text amended, paragraph (b) amended, former *R.* 4:32-4 deleted and readopted as amended as new paragraph (e), former *R.* 4:32-3 deleted and adopted as reformatted as new paragraph (f), and new paragraphs (g) and (h) adopted July 27, 2006 to be effective September 1, 2006; paragraph (a) amended October 9, 2007, to be effective immediately; paragraph (e)(4) amended July 9, 2008 to be effective September 1, 2008.

4:33-3. Procedure

A person desiring to intervene shall file and serve on all parties a motion to intervene stating the grounds therefor and accompanied by a pleading setting forth the claim or defense for which intervention is sought along with a Case Information Statement pursuant to R. 4:5-1(b)(1). The appropriate filing fee for the proposed pleading shall be paid at the time of filing the motion to intervene but shall be returned if that motion is denied.

Note: Source – R.R. 4:37-4; amended July 9, 2008 to be effective September 1, 2008.

4:38-1. Consolidation

(a) Actions in the Superior Court. When actions involving a common question of law or fact arising out of the same transaction or series of transactions are pending in the Superior Court, the court on a party's or its own motion may order the actions consolidated. If the actions are not triable in the same county or vicinage, the order shall be made by the Assignment Judge of the county in which the venue is laid in the action first instituted on a party's motion, the judge's own initiative, or on certification of the matter to the judge by a judge of the Law or Chancery Division. A motion to consolidate an action pending in the Special Civil Part with an action pending in the Chancery Division or the Civil Part of the Law Division shall be heard, regardless of which action was first filed, in the county in which venue is laid in the Chancery or Law Division, Civil Part action. If the motion is granted, the Special Civil Part action shall be consolidated with the Chancery or Law Division, Civil Part action.

(b) …no change

(c) …no change

Note: Source – R.R. 4:43-1(a)(b)(c)(d)(e); paragraph (b) amended, paragraphs (c) and (d) deleted and former paragraph (e) redesignated as paragraph (c) July 26, 1984 effective September 10, 1984; paragraph (c) amended June 29, 1990 to be effective September 4, 1990; paragraph (a) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended June 28, 1996 to be effective September 1, 1996; paragraph (a) amended July 9, 2008 to be effective September 1, 2008 .

4:43-2. Final Judgment by Default

After a default has been entered in accordance with R. 4:43-1, except as otherwise provided by R. 4:64 (foreclosures), but not simultaneously therewith, a final judgment may be entered in the action as follows:

(a) …no change

(b) By the Court. In all other cases, except Family Part matters recognized by Part V of these Rules, the party entitled to a judgment by default shall apply to the court therefor by notice of motion pursuant to R. 1:6, served on all parties to the action, including the defaulting defendant or the representative who appeared for the defaulting defendant. No judgment by default shall be entered against a minor or mentally incapacitated person unless that person is represented in the action by a guardian or guardian ad litem who has appeared therein. If, [in order] to enable the court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any allegation by evidence or to make an investigation of any other matter, the court [may], on its own motion or at the request of a party on notice to the defaulting defendant or defendant's representative, may conduct such proof hearings with or without a jury or take such proceedings as it deems appropriate. The notice of proof hearing shall be by ordinary mail addressed to the same address at which process was served unless the party entitled to judgment has actual knowledge of a different current address for the defaulting defendant. Proof of service of the notice of motion and notice of any proof hearing shall certify that the plaintiff has no actual knowledge that the defaulting defendant's address has changed after service of original process or, if the plaintiff has such knowledge, the proof shall certify the underlying facts. In tort actions involving multiple

defendants whose percentage of liability is subject to comparison and actions in which fewer than all defendants have defaulted, default judgment of liability may be entered against the defaulting defendants but such questions as defendants' respective percentages of liability and total damages due plaintiff shall be reserved for trial or other final disposition of the action. If application is made for the entry of judgment by default in deficiency suits or claims based directly or indirectly upon the sale of a chattel which has been repossessed, the plaintiff shall prove before the court the description of the property, the amount realized at the sale or credited to the defendant and the costs of the sale. In actions for possession of land, however, the court need not require proof of title by the plaintiff. If application is made for the entry of judgment by default in negligence actions involving property damage only, proof shall be made as provided by R. 6:6-3(c).

(c) …no change

(d) …no change

Note: Source – R.R. 4:55-4 (first sentence), 4:56-2(a) (b) (first three sentences) (c), 4:79-4. Paragraph (b) amended July 7, 1971 to be effective September 13, 1971; paragraph (b) amended July 15, 1982 to be effective September 13, 1982; text and paragraph (a) amended January 19, 1989 to be effective February 1, 1989; paragraph (b) amended July 14, 1992 to be effective September 1, 1992; paragraphs (a), (b) and (d) amended July 13, 1994 to be effective September 1, 1994; paragraphs (b) and (c) amended June 28, 1996 to be effective September 1, 1996; paragraph (d) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a) and (b) amended July 12, 2002 to be effective September 3, 2002; introductory text and paragraph (d) amended July 28, 2004 to be effective September 1, 2004; paragraph (b) amended and paragraph (d) caption and text amended July 27, 2006 to be effective September 1, 2006; paragraph (a) amended September 11, 2006 to be effective immediately; paragraph (b) amended June 15, 2007 to be effective September 1, 2007; paragraph (b) amended July 9, 2008 to be effective September 1, 2008.

4:43-3. Setting Aside Default

A party's motion for the vacation of an entry of default shall be accompanied by (1) either an answer to the complaint and Case Information Statement or a dispositive motion pursuant to Rule 4:6-2, and (2) the filing fee for an answer or dispositive motion, which shall be returned if the motion to vacate the entry of default is denied. For good cause shown, the court may set aside an entry of default and, if a judgment by default has been entered, may likewise set it aside in accordance with Rule [R.] 4:50.

Note: Source – R.R. 4:56-3; amended July 9, 2008 to be effective September 1, 2008.

4:44A-1. Venue; Complaint; Service

An action seeking approval of a transfer or assignment of structured settlement payment rights shall be brought by the proposed transferee in the county of the payee-transferor's residence by order to show cause and verified complaint to which shall be annexed a copy of the proposed transfer or assignment agreement, a copy of the disclosure statement required by N.J.S.A. 2A:16-65, and a list of the names and ages of the payee-transferor's dependents. The order to show cause and complaint shall be served in accordance with Rule [R.] 4:67-3 on the payee-transferor, all persons entitled to support by the payee-transferor, and the issuer of the annuity. The order to show cause shall be returnable not less than 20 days following the date of service and shall advise that interested parties, other than the payee-transferor, may, in lieu of appearing on the return date, file an affidavit or certification in response to the order to show cause at least five days before the return date. If the payee-transferor is a minor or an incapacitated person, the court shall appoint a guardian *ad litem* to represent such payee-transferor whether or not a guardian or conservator has been judicially appointed.

Note: Adopted July 28, 2004 to be effective September 1, 2004; amended July 9, 2008 to be effective September 1, 2008.

4:44A-2. Hearing

The application shall be heard on the return date of the order to show cause. If the payee-transferor fails to appear, in person or by counsel or guardian *ad litem*, the complaint shall be dismissed. The court shall approve the transfer or assignment only if it expressly finds that (a) the payee-transferor either received independent professional advice regarding the transfer or assignment from a person neither affiliated with nor recommended by the assignee or transferee or that the payee-transferor has knowingly waived in writing the right to such advice; (b) the proposed transfer does not contravene any applicable statute or court order; (c) the transfer is in the best interests of the payee-transferor, taking into account the welfare and support of the payee-transferor's dependents; and (d) the transferee has complied or ensured compliance with all applicable provisions of N.J.S.A. 2A:16-69. The court shall also consider whether there have been any previous transfers and, if so, the terms thereof. The judgment approving the transfer or assignment shall incorporate the terms and conditions of N.J.S.A. 2A:16-67, which incorporation may be by reference. If the payee-transferor is a minor or an incapacitated person, the judgment also shall require that all proceeds of the assignment or transfer be deposited with the Surrogate pursuant to Rule 4:48A unless the court permits an alternative disposition that will adequately safeguard the interests of the payee-transferor.

Note: Adopted July 28, 2004 to be effective September 1, 2004; amended July 9, 2008 to be effective September 1, 2008.

4:46-1. Time for Making, Filing, and Serving Motion

A party seeking any affirmative relief may, at any time after the expiration of 35 days from the service of the pleading claiming such relief, move for a summary judgment or order on all or any part thereof or as to any defense. Said motion, however, shall be returnable no later than 30 days before the scheduled trial date, unless the court otherwise orders for good cause shown, and if the decision is not communicated to the parties at least 10 days prior to the scheduled trial date, an application for adjournment shall be liberally granted. A party against whom a claim for such affirmative relief is asserted may move at any time for a summary judgment or order as to all or any part thereof. Except as otherwise provided by R. 6:3-3 (motion practice in Special Civil Part) or unless the court otherwise orders, a motion for summary judgment shall be served and filed not later than 28 days before the time specified for the return date; opposing affidavits, certifications, briefs, and cross-motions for summary judgment, if any, shall be served and filed not later than 10 days before the return date; and answers or responses to such opposing papers or to cross-motions shall be served and filed not later than four days before the return date. No other papers may be filed without leave of court.

Note: Source – R.R. 4:58-1, 4:58-2. Caption and text amended November 1, 1985 to be effective January 2, 1986; amended November 5, 1986 to be effective January 1, 1987; amended November 7, 1988 to be effective January 2, 1989; amended July 13, 1994 to be effective September 1, 1994; amended June 28, 1996 to be effective September 1, 1996; amended July 10, 1998 to be effective September 1, 1998; amended July 27, 2006 to be effective September 1, 2006; amended July 9, 2008 to be effective September 1, 2008.

4:48A. Judgments for Minors and Mentally Incapacitated Persons

(a) Minor. In the event of a judgment for a minor after trial or settlement, the court shall dispense with the giving of a bond and, except as otherwise ordered by the court, shall direct the proceeds of the judgment, if it does not exceed $5,000 to be disposed of pursuant to N.J.S.A. 3B:12-6, and if it exceeds the same, then to be deposited in court pursuant to N.J.S.A. 3B:15-16 and 17. A copy of the order directing deposit of the proceeds shall be furnished by the court to the surrogate on its entry.

(b) …no change.

(c) Withdrawals. Withdrawal of funds deposited pursuant to this rule shall be sought by notice of motion supported by an affidavit explaining the necessity for the requested withdrawal of funds [verified complaint, pursuant to *R.* 4:57, R. 4:83 and *N.J.S.A.* 22A:2-30, which shall be] and filed in the Superior Court, Chancery Division, Probate Part. The proceeding [action] shall be *ex parte* unless there are adverse interests or unless the court otherwise orders.

Note: Adopted July 7, 1971 to be effective September 13, 1971; paragraph (a) amended July 22, 1983 to be effective September 12, 1983; paragraphs (a) and (b) amended and paragraph (c) adopted June 29, 1990 to be effective September 4, 1990; caption amended, and paragraph (b) caption and text amended July 12, 2002 to be effective September 3, 2002; paragraphs (a) and (c) amended July 9, 2008 to be effective September 1, 2008.

4:52-1. Temporary Restraint and Interlocutory Injunction-Application on Filing of Complaint

(a) Order to Show Cause With Temporary Restraints. On the filing of a complaint seeking injunctive relief, the plaintiff may apply for an order requiring the defendant to show cause why an interlocutory injunction should not be granted pending the disposition of the action. The proceedings shall be recorded verbatim provided that the application is made at a time and place where a reporter or sound recording device is available. The order to show cause shall not, however, include any temporary restraints or other interim relief unless the defendant has either been given notice of the application or consents thereto or it appears from specific facts shown by affidavit or verified complaint that immediate and irreparable damage will probably result to the plaintiff before notice can be served or informally given and a hearing had thereon. If the order to show cause includes temporary restraints or other interim relief and was issued without notice to the defendant, provision shall be made therein that the defendant shall have leave to move for the dissolution or modification of the restraint on 2 days' notice or on such other notice as the court fixes in the order. The order may further provide for the continuation of the restraint until the further order of the court and shall be returnable within such time after its entry as the court fixes but not exceeding 35 days after the date of its issuance, unless within such time the court on good cause shown extends the time for a like period or unless the defendant consents to an extension for a longer period. The order to show cause may be in the form in Appendices XII-G and -H to the extent applicable.

(b) …no change.

(c) …no change.

Note: Source – R.R. 4:67-2. Paragraph (a) amended July 7, 1971 to be effective September 13, 1971; paragraph (a) amended effective July 26, 1984 to be effective September 10, 1984; paragraphs (a) and (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 9, 2008 to be effective September 1, 2008.

4:59-1. Execution

(a) In General. Process to enforce a judgment or order for the payment of money and process to collect costs allowed by a judgment or order, shall be a writ of execution, except if the court otherwise orders or if in the case of a *capias ad satisfaciendum* the law otherwise provides. Except with respect to writs issued out of the Special Civil Part, the [The] amount of the debt, damages, and costs actually due and to be raised by the writ, together with interest from the date of the judgment, shall be endorsed thereon by the party at whose instance it shall be issued before its delivery to the sheriff or other officer. The endorsement shall explain in detail the method by which interest has been calculated, taking into account all partial payments made by the defendant. Except with respect to writs issued out of the Special Civil Part, the judgment-creditor shall serve a [A] copy of the fully endorsed writ [shall be served], personally or by ordinary mail, on [upon] the judgment-debtor after a levy on the debtor's property has been made by the sheriff or other officer and in no case less than 10 days prior to turnover of the debtor's property to the creditor pursuant to the writ. Unless the court otherwise orders, every writ of execution shall be directed to a sheriff and shall be returnable within 24 months after the date of its issuance, except that in case of a sale, the sheriff shall make return of the writ and pay to the clerk any remaining surplus within 30 days after the sale, and except that a *capias ad satisfaciendum* shall be returnable not less than eight and not more than 15 days after the date it is issued. 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. One writ of execution may issue [upon] on one or more

judgments or orders in the same cause. The writ may be issued either by the court or the clerk thereof.

(b) …no change

(c) …no change

(d) …no change

(e) …no change

(f) Sheriff's Costs. The sheriff shall file a bill of taxed costs with the final report with the clerk of the court [from which execution issued within 20 days after the date of the sale].

(g) … no change

(h) …no change

Note: Source – R.R. 4:74-1, 4:74-2, 4:74-3, 4:74-4. Paragraph (c) amended November 17, 1970 effective immediately; paragraph (d) amended July 17, 1975 to be effective September 8, 1975; paragraph (a) amended, new paragraph (b) adopted and former paragraphs (b), (c), (d), and (e) redesignated (c), (d), (e) and (f) respectively, July 24, 1978 to be effective September 11, 1978; paragraph (b) amended July 21, 1980 to be effective September 8, 1980; paragraphs (a) and (b) amended July 15, 1982 to be effective September 13, 1982; paragraph (d) amended July 22, 1983 to be effective September 12, 1983; paragraph (b) amended and paragraph (g) adopted November 1, 1985 to be effective January 2, 1986; paragraph (d) amended June 29, 1990 to be effective September 4, 1990; paragraph (e) amended July 14, 1992 to be effective September 1, 1992; paragraphs (a), (c), (e), (f), and (g) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended June 28, 1996 to be effective June 28, 1996; paragraph (d) amended June 28, 1996 to be effective September 1, 1996; paragraph (e) amended July 10, 1998 to be effective September 1, 1998; paragraphs (a), (e), and (g) amended July 5, 2000 to be effective September 5, 2000; paragraph (d) amended July 12, 2002 to be effective September 3, 2002; paragraph (d) amended July 28, 2004 to be effective September 1, 2004; paragraphs (a) and (d) amended, and new paragraph (h) adopted July 27, 2006 to be effective September 1, 2006; paragraphs (a) and (f) amended July 9, 2008 to be effective September 1, 2008.

4:64-1. Uncontested Judgment: Foreclosures Other Than *In Rem* Tax Foreclosures

(a) …no change

(b) …no change

(c) …no change

(d) Procedure to Enter Judgment. If the action is uncontested as defined by paragraph (c) the court, on motion on 10 days notice if there are no other encumbrancers and on 30 days notice if there are other encumbrancers, and subject to paragraph (h) of this rule, may enter final judgment upon proof establishing the amount due. Notice shall be served on mortgagors and all other named parties obligated on the debt and all parties who have appeared in the action including defendants whose answers have been stricken or rendered noncontesting. The notice shall have annexed a copy of the affidavit of amount due filed with the court. Any party having the right of redemption who disputes the correctness of the affidavit may file an objection stating with specificity the basis of the dispute and asking the court to fix the amount due. Defaulting parties shall be noticed only if application for final judgment is not made within six months of the entry of default. The application for entry of judgment shall be accompanied by proofs as required by R. 4:64-2 and in lieu of the filing otherwise required by R. 1:6-4 shall be only filed with the Office of Foreclosure in the Administrative Office of the Courts. The Office of Foreclosure may recommend entry of final judgment pursuant to R. 1:34-6.

(e) …no change

(f) …no change

(g) …no change

(h) …no change

(i) …no change

Note: Source – R.R. 4:82-1, 4:82-2. Paragraph (b) amended July 14, 1972 to be effective September 5, 1972; paragraphs (a) and (b) amended November 27, 1974 to be effective April 1, 1975; paragraph (a) amended July 16, 1979 to be effective September 10, 1979; paragraph (c) adopted November 1, 1985 to be effective January 2, 1986; caption amended, paragraphs (a) and (b) caption and text amended, former paragraph (c) redesignated paragraph (e), and paragraphs (c), (d) and (f) adopted November 7, 1988 to be effective January 2, 1989; paragraphs (b) and (c) amended and paragraph (g) adopted July 14, 1992 to be effective September 1, 1992; paragraphs (e) and (f) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended July 5, 2000 to be effective September 5, 2000; paragraph (f) caption and text amended July 12, 2002 to be effective September 3, 2002; new paragraphs (a) and (b) adopted, and former paragraphs (a), (b), (c), (d), (e), (f), and (g) redesignated as paragraphs (c), (d), (e), (f), (g), (h), and (i) July 27, 2006 to be effective September 1, 2006; paragraph (b) caption and text amended September 11, 2006 to be effective immediately; paragraphs (d) and (f) amended October 10, 2006 to be effective immediately; paragraph (d) amended July 9, 2008 to be effective September 1, 2008.

4:64-2. Proof

(a) Supporting Instruments. Proof required by R. 4:64-1 may be submitted by affidavit, unless the court otherwise requires. The moving party shall produce the original mortgage, evidence of indebtedness, assignments, claim of lien (*N.J.S.A.* 46:8B-21), and any other original document upon which the claim is based. In lieu of an original document, the moving party may produce a legible copy of a recorded or filed document, certified as a true copy by the recording or filing officer or by a New Jersey attorney, or a copy of an original document, if unfiled or unrecorded, certified as a true copy by a New Jersey attorney.

(b) Contents of Proof of Amount Due. If the action is uncontested, the plaintiff shall file with the Office of Foreclosure an affidavit of amount due, which shall have annexed a schedule as set forth in Appendix XII-J of these rules. The schedule shall state the principal due as of the date of default; advances authorized by the note or mortgage for taxes, hazard insurance and other stated purposes; late charges, if authorized by the note or mortgage, accrued to the date of the filing of the complaint; a computation of accrued interest; a statement of the *per diem* interest accruing from the date of the affidavit; and credit for any payments, credits, escrow balance or other amounts due the debtor. Prejudgment interest, if demanded in the complaint, shall be calculated on rate of interest provided by the instrument of indebtedness. A default rate of interest, if demanded in the complaint and if reasonable, may be used to calculate prejudgment interest from the date of default to the judgment. The schedule shall include notice that there may be surplus money and the procedure for claiming it. The proof of amount due affidavit may be supported by computer-generated entries.

(c) Time; signatory. The affidavit prescribed by this rule shall be sworn to not more than 60 days prior to its presentation to the court or Office of Foreclosure. The affidavit shall be made on personal knowledge of all the facts recited therein, and if the affiant is not the plaintiff, it shall also state that the affiant is authorized to make the affidavit.

Note: Source – *R.R.* 4:82-3. Caption amended and paragraph (b) deleted July 7, 1971 to be effective September 13, 1971; amended November 27, 1974 to be effective April 1, 1975; amended November 7, 1988 to be effective January 2, 1989; amended July 13, 1994 to be effective September 1, 1994; text designated as paragraph (a), paragraph (a) caption adopted, new paragraphs (b) and (c) adopted July 9, 2008 to be effective September 1, 2008.

4:64-3. Surplus Moneys

(a) Applications Made by Parties Named in the Judgment of Foreclosure. [Petitions] Applications for withdrawal of surplus moneys in foreclosure actions may be presented at any time after the sale [and may be heard by the court] on motion in accordance with R. 1:6-3, and notice to all parties, including defaulting defendants whose claims are not directed in the execution to be paid out of the proceeds of sale. Such motions made by a party named in the judgment of foreclosure shall be filed with the Office of Foreclosure. The Office of Foreclosure shall report on and recommend the entry of orders for the withdrawal of surplus money provided the motion is unopposed. The report of the Office of Foreclosure shall list the priority of all lien claims and shall include the amounts due any lien holder who has filed a claim to surplus money supported by proofs required by Rule 4:64-2.

(b) Motions by Others. A motion made by a non-party to the judgment of foreclosure shall be filed in the vicinage. A motion for payment of surplus money prior to the delivery of the deed also shall be filed in the vicinage. [If any order is made for the payment of such surplus before the delivery of the deed, the] The sheriff or other officer making the sale shall accept the receipt or order of the person to whom such surplus, or any part of it, is ordered to be paid, as payment to that extent of the purchase money, or may pay the same to such person. Payments shall be made in accordance with R. 4:57-2.

Note: Source – R.R. 4:82-4; amended July 29, 1977 to be effective September 6, 1977; amended July 16, 1981 to be effective September 14, 1981; amended July 13, 1994 to be effective September 1, 1994; amended July 10, 1998 to be effective September 1, 1998; former text amended and reallocated into paragraphs (a) and (b), and paragraph (a) and (b) captions adopted July 9, 2008 to be effective September 1, 2008.

4:64-9. Motions in Uncontested Matters

A notice of motion filed with the Office of Foreclosure shall not state a time and place for its resolution. The notice of motion shall state the address of the Office of Foreclosure and that the order sought will be entered in the discretion of the court unless the attorney or *pro se* party on whom it has been served notifies in writing the Office of Foreclosure and the attorney for the moving party or the *pro se* party within ten days after the date of service of the motion that the responding party objects to the entry of the order. On receipt of an objection or at the direction of the court, the Office of Foreclosure shall deliver the foreclosure case file to the judge in the county of venue, who shall schedule such further proceedings and notify the parties or their attorneys of the time and place thereof.

Every notice of motion in a foreclosure action shall include the following language: "IF YOU WANT TO OBJECT TO THIS MOTION YOU MUST DO SO IN WRITING WITHIN 10 DAYS AFTER THE DAY YOU RECEIVED THIS MOTION. YOU MUST FILE YOUR OBJECTION WITH THE OFFICE OF FORECLOSURE, P.O. BOX 971, 25 MARKET STREET, TRENTON, NEW JERSEY 08625, AND SERVE A COPY ON THE MOVING PARTY. THE OFFICE OF FORECLOSURE DOES NOT CONDUCT HEARINGS. YOUR PERSONAL APPEARANCE AT THE OFFICE WILL NOT QUALIFY AS AN OBJECTION. IF YOU FILE AN OBJECTION, THE CASE WILL BE SENT TO A JUDGE FOR RESOLUTION. YOU WILL BE INFORMED BY THE JUDGE OF THE TIME AND PLACE OF THE HEARING ON THE MOTION."

Note: Adopted July 9, 2008 to be effective September 1, 2008.

4:65-2. Notice of Sale; Posting and Mailing

If real or personal property is authorized by court order or writ of execution to be sold at public sale, notice of the sale shall be posted in the office of the sheriff of the county or counties where the property is located, and also, in the case of real property, on the premises to be sold, but need not be posted in any other place. The party who obtained the order or writ shall, at least 10 days prior to the date set for sale, serve a notice of sale by registered or certified mail, return receipt requested, upon (1) every party who has appeared in the action giving rise to the order or writ and (2) the owner of record of the property as of the date of commencement of the action whether or not appearing in the action, and (3) except in mortgage foreclosure actions, every other person having an ownership or lien interest that is to be divested by the sale and is recorded in the office of the Superior Court Clerk, the United States District Court Clerk or the county recording officer, and in the case of personal property, recorded or filed in pertinent public records of security interests, provided, however, that the name and address of the person in interest is reasonably ascertainable from the public record in which the interest is noted. The notice of sale shall include notice that there may be surplus money and the procedure for claiming it. The party obtaining the order or writ may also file the notice of sale with the county recording officer in the county in which the real estate is situate, pursuant to *N.J.S.A.* 46:16A-1 *et seq.*, and such filing shall have the effect of the notice of settlement as therein provided.

Note: Source – R.R. 4:83-2; caption and rule amended July 13, 1994 to be effective September 1, 1994; amended July 3, 1995, to be effective immediately; amended July 9, 2008 to be effective September 1, 2008.

4:67-2. Complaint; Order to Show Cause; Motion

(a) Order to Show Cause. If the action is brought in a summary manner pursuant to *R.* 4:67-1(a), the complaint, verified by affidavit made pursuant to R. 1:6-6, may be presented to the court ex parte and service shall be made pursuant to R. 4:52-1(b), except that if the action is pending in the Law Division of the Superior Court, it shall be presented to the Assignment Judge or to such other judge as the Assignment Judge designates. The proceeding shall be recorded verbatim provided that the application is made at a time and place where a reporter or sound recording device is available. The court, if satisfied with the sufficiency of the application, shall order the defendant to show cause why final judgment should not be rendered for the relief sought. No temporary restraints or other interim relief shall be granted in the order unless the defendant has either been given notice of the action or consents thereto or it appears from the specific facts shown by affidavit or verified complaint that immediate and irreparable damage will result to the plaintiff before notice can be served or informally given. The order shall be so framed as to notify the defendant fully of the terms of the judgment sought, and subject to the provisions of *R.* 4:52, it may embody such interim restraint and other appropriate intermediate relief as may be necessary to prevent immediate and irreparable damage. The order to show cause may be in the form set forth in Appendix XII-F through -H to the extent applicable.

(b) …no change

Note: Source – R.R. 4:85-2. Paragraph (a) amended July 26, 1984 to be effective September 10, 1984; paragraph (a) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 12, 2002 to be effective September 3, 2002; paragraph (a) amended July 9, 2008 to be effective September 1, 2008.

4:72-1. Complaint

(a) Generally. An action for change of name shall be commenced by filing a verified complaint setting forth the grounds of the application. The complaint shall contain the date of birth of the plaintiff and shall state: [(a)] (1) that the application is not made with the intent to avoid creditors or to obstruct criminal prosecution or for other fraudulent purposes; [(b)] (2) whether plaintiff has ever been convicted of a crime and if so, the nature of the crime and the sentence imposed; [(c)] (3) whether any criminal charges are pending against plaintiff and if so, such detail regarding the charges as is reasonably necessary to enable the Division of Criminal Justice or the appropriate county prosecutor to identify the matter. If criminal charges are pending, a copy of the complaint shall, at least 20 days prior to the hearing, be served upon the Director of the Division of Criminal Justice to the attention of the Records and Identification Section if the charges were initiated by the Division, and otherwise upon the appropriate county prosecutor. Service upon the Division or a prosecutor shall be accompanied by a request that the official make such response as may be deemed appropriate.

(b) Change of Name for Minor Involved in a Family Action. If the complaint seeks a name change for a minor, the complaint shall state whether the child or any party in interest in the name change application is the subject of a family action pending or concluded within the three years preceding the filing of the complaint. In such event, the action shall be transferred to the Family Part in the vicinage in which the family action is pending or was concluded. If neither the child nor any party in interest is or has been the subject of such action, a certification to that effect shall be appended to the complaint.

Note: Source – R.R. 4:91-1. Amended July 11, 1979 to be effective September 10, 1979; amended July 15, 1982 to be effective September 13, 1982; amended November 1, 1985 to be effective January 2, 1986; amended July 13, 1994 to be effective September 1, 1994; former text of rule designated as paragraph (a) and amended, paragraph (a) caption added, and new paragraph (b) adopted July 9, 2008 to be effective September 1, 2008.

4:74-7. Civil Commitment — Adults

(a) …no change

(b) … no change

(c) …no change

(d) …no change

(e) …no change

(f) Final Order of Commitment, Review.

(1) …no change

(2) Review. The order shall provide for periodic reviews of the commitment no later than [(1)] (i) three months from the date of the first hearing, and [(2)] (ii) nine months from the date of the first hearing, and [(3)] (iii) 12 months from the date of the first hearing, and [(4)] (iv) at least annually thereafter, if the patient is not sooner discharged. The court may schedule additional review hearings but, except in extraordinary circumstances, not more than once every 30 days. If the court determines at a review hearing that involuntary commitment shall be continued, it shall execute a new order. All reviews shall be conducted in the manner required by paragraph (e) of this rule. [except that if the patient has been diagnosed as suffering from either severe mental retardation or severe irreversible organic brain syndrome, all reviews after the expiration of two years from the date of judgment may be summary, provided all parties in interest are notified of the review date and provided further that the court and all interested parties are furnished with the report of a physical examination of the patient conducted no more than three months prior thereto. The court may, in its discretion, at a review hearing, where] When the advanced age of the patient or when [where] the cause or nature of the mental illness renders it appropriate, and where it

would be impractical to obtain the testimony of a psychiatrist as required in paragraph (e), the court may, in its discretion and with the consent of the patient, support its findings by the oral testimony of a physician on the patient's treatment team who has personally conducted an examination of the patient as close to the hearing date as possible, but in no event more than five days prior to the hearing date. A scheduled periodic review, as set forth above, shall not be stayed pending appeal of a prior determination under this rule.

(g) …no change

(h) …no change

(i) …no change

(j) …no change

Note: Source – paragraphs (a) (b) (c) (d) (e) (f) and (g), captions and text deleted and new text adopted July 17, 1975 to be effective September 8, 1975; paragraphs (a), (b), (c), (e), (f) amended and (j) caption and text deleted and new caption and text adopted September 13, 1976, to be effective September 13, 1976; paragraphs (b), (d), and (f) amended July 24, 1978, to be effective September 11, 1978; paragraph (f) amended July 16, 1981 to be effective September 14, 1981; paragraph (b) amended July 22, 1983 to be effective September 12, 1983; paragraphs (e) and (f) amended and paragraphs (g) and (h) caption and text amended November 2, 1987 to be effective January 1, 1988; paragraphs (a) and (b) amended, subparagraphs (b)(1) and (2) adopted, paragraphs (c), (d) and (e) amended, caption and text of paragraph (f) amended, and caption and text of subparagraphs (g)(1) and (2) amended November 7, 1988 to be effective immediately; November 7, 1988 amendments rescinded February 21, 1989 retroactive to November 7, 1988; November 7, 1988 amendments reinstated June 6, 1989 to be effective June 7, 1989; subparagraph (c)(2) amended June 6, 1989 to be effective June 7, 1989; paragraph (g) recaptioned and text adopted and paragraphs (g) (h) (i) and (j) redesignated (h) (i) (j) and (k) June 29, 1990 to be effective September 4, 1990; paragraphs (c), (e) and (g) amended July 14, 1992 to be effective September 1, 1992; paragraphs (b)(2), (c)(1) and (4), (e), (f), (h)(2), (i)(1) and (2)and (k) amended July 13, 1994 to be effective September 1, 1994; amended January 22, 1997 to be effective March 1, 1997; paragraph (f)(2) amended July 27, 2006 to be effective September 1, 2006; paragraph (f)(2) amended July 9, 2008 to be effective September 1, 2008.

4:83-1. Method of Proceeding

Unless otherwise specified, all actions in the Superior Court, Chancery Division, Probate Part, shall be brought in a summary manner by the filing of a complaint and issuance of an order to show cause pursuant to *R*. 4:67. The Surrogate, as Deputy Clerk, may fix the return date of the order to show cause and execute the same unless the procedure in a particular case raises doubt or difficulty. Service shall be made and the action shall proceed thereafter in accordance with that rule. The order to show cause may be in the form in Appendix XII-I to the extent applicable.

Note: Source – R.R. 4:105-3, 4:117-1. Former *R*. 4:99-1 deleted and new R. 4:83-1 adopted June 29, 1990 to be effective September 4, 1990; amended June 28, 1996 to be effective September 1, 1996; amended July 9, 2008 to be effective September 1, 2008.

RULE 4:86. ACTION FOR GUARDIANSHIP OF [A MENTALLY] AN INCAPACITATED PERSON OR FOR THE APPOINTMENT OF A CONSERVATOR

4:86-1. Complaint

Every action for the determination of [mental] incapacity of a person and for the appointment of a guardian of that person or of the person's estate or both, other than an action with respect to a veteran under N.J.S.A. 3B:13-1 et seq., or with respect to a kinship legal guardianship under N.J.S.A. 3B:12A-1 et seq., shall be brought pursuant to Rule [R.] 4:86-1 through Rule [R.] 4:86-8 for appointment of a general, limited or *pendente lite* temporary guardian. The complaint shall state the name, age, domicile and address of the plaintiff, of the alleged [mentally] incapacitated person and of the alleged [mentally] incapacitated person's spouse, if any; the plaintiff's relationship to the alleged [mentally] incapacitated person; the plaintiff's interest in the action; the names, addresses and ages of the alleged [mentally] incapacitated person's children, if any, and the names and addresses of the alleged [mentally] incapacitated person's parents and nearest of kin; the name and address of the person or institution having the care and custody of the alleged [mentally] incapacitated person; and if the alleged [mentally] incapacitated person has lived in an institution, the period or periods of time the alleged [mentally] incapacitated person has lived therein, the date of the commitment or confinement, and by what authority committed or confined. The complaint also shall state the name and address of any person named as attorney-in-fact in any power of attorney executed by the alleged [mentally] incapacitated person, any person named as health care representative in any health care directive executed by the alleged [mentally] incapacitated person, and any person acting as trustee under a trust for the benefit of the alleged [mentally] incapacitated person.

Note: Source – R.R. 4:102-1. Amended July 22, 1983 to be effective September 12, 1983; former *R.* 4:83-1 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; R. 4:86 caption amended, and text of R. 4:86-1 amended July 12, 2002 to be effective September 3, 2002; caption to Rule 4:86 amended, and text of Rule 4:86-1 amended July 9, 2008 to be effective September 1, 2008.

4:86-2. Accompanying Affidavits

The allegations of the complaint shall be verified as prescribed by R. 1:4-7 and shall have annexed thereto:

(a) An affidavit stating the nature, location and fair market value (1) of all real estate in which the alleged [mentally] incapacitated person has or may have a present or future interest, stating the interest, describing the real estate fully or by metes and bounds, and stating the assessed valuation thereof; and (2) of all the personal estate which he or she is, will or may in all probability become entitled to, including the nature and total or annual amount of any compensation, pension, insurance, or income which may be payable to the alleged [mentally] incapacitated person. If the plaintiff cannot secure such information, the complaint shall so state and give the reasons therefor, and the affidavit submitted shall in that case contain as much information as can be secured in the exercise of reasonable diligence;

(b) Affidavits of two physicians, having qualifications set forth in N.J.S.A. 30:4-27.2t or the affidavit of one such physician and one licensed practicing psychologist as defined in N.J.S.A. 45:14B-2. Pursuant to N.J.S.A. 3B:12-24.1(d), the affidavits may make disclosures about the alleged incapacitated person. If an alleged [mentally] incapacitated person has been committed to a public institution and is confined therein, one of the affidavits shall be that of the chief executive officer, the medical director, or the chief of service providing that person is also the physician with overall responsibility for the professional program of care and treatment in the administrative unit of the institution. However, where an alleged [mentally] incapacitated person is domiciled within this State but resident elsewhere, the affidavits required by this rule may be those of persons who are

residents of the state or jurisdiction of the alleged [mentally] incapacitated person's residence. Each affiant shall have made a personal examination of the alleged [mentally] incapacitated person not more than 30 days prior to the filing of the complaint, but said time period may be relaxed by the court on an ex parte showing of good cause. To support the complaint, each affiant shall state: (1) the date and place of the examination; (2) whether the affiant has treated or merely examined the alleged [mentally] incapacitated individual; (3) whether the affiant is disqualified under *R.* 4:86-3; (4) the diagnosis and prognosis and factual basis therefor; (5) for purposes of ensuring that the alleged [mentally] incapacitated person is the same individual who was examined, a physical description of the person examined, including but not limited to sex, age and weight; [and] (6) the affiant's opinion <u>of the extent to which</u> [that] the alleged [mentally] incapacitated person is unfit and unable to govern himself or herself and to manage his or her affairs and shall set forth with particularity the circumstances and conduct of the alleged [mentally] incapacitated person upon which this opinion is based, including a history of the alleged [mentally] incapacitated person's condition<u>; and (7) if applicable, the extent to which the alleged incapacitated person retains sufficient capacity to retain the right to manage specific areas, such as, residential, educational, medical, legal, vocational or financial decisions</u>. The affidavit should also include an opinion <u>on</u> whether the alleged [mentally] incapacitated person is capable of attending the hearing and<u>,</u> if not, the reasons for the individual's inability.

<u>(c)</u> In lieu of the affidavits provided for in paragraph (b), an affidavit of one affiant having the qualifications as required therein, stating that he or she has endeavored to make a personal examination of the alleged [mentally] incapacitated person not more than 30 days prior to the filing of the complaint but that the alleged [mentally] incapacitated

person or those in charge of him or her have refused or are unwilling to have the affiant make such an examination. The time period herein prescribed may be relaxed by the court on an *ex parte* showing of good cause.

Note: Source – R.R. 4:102-2; former *R*. 4:83-2 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; paragraphs (b) and (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a), (b), and (c) amended July 12, 2002 to be effective September 3, 2002; paragraphs (b) and (c) amended July 28, 2004 to be effective September 1, 2004; paragraphs (a), (b) and (c) amended July 9, 2008 to be effective September 1, 2008.

4:86-3. Disqualification of Affiant

No affidavit shall be submitted by a physician or psychologist who is related, either through blood or marriage, to the alleged [mentally] incapacitated person or to a proprietor, director or chief executive officer of any institution (except state, county or federal institutions) for the care and treatment of the [mentally] ill in which the alleged [mentally] incapacitated person is living, or in which it is proposed to place him or her, or who is professionally employed by the management thereof as a resident physician or psychologist, or who is financially interested therein.

Note: Source – R.R. 4:102-3; former R. 4:83-3 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; amended July 12, 2002 to be effective September 3, 2002; caption and text amended July 28, 2004 to be effective September 1, 2004; amended July 9, 2008 to be effective September 1, 2008.

4:86-4. Order for Hearing

(a) Contents of Order. If the court is satisfied with the sufficiency of the complaint and supporting affidavits and that further proceedings should be taken thereon, it shall enter an order fixing a date for hearing and requiring that at least 20 days' notice thereof be given to the alleged [mentally] incapacitated person, any person named as attorney-in-fact in any power of attorney executed by the alleged [mentally] incapacitated person, any person named as health care representative in any health care directive executed by the alleged [mentally] incapacitated person, and any person acting as trustee under a trust for the benefit of the alleged [mentally] incapacitated person, the alleged [mentally] incapacitated person's spouse or statutory partner, children 18 years of age or over, parents, the person having custody of the alleged [mentally] incapacitated person, the attorney appointed pursuant to *R*. 4:86-4(b), and such other persons as the court directs. Notice shall be affected by service of a copy of the order, complaint and supporting affidavits upon the alleged [mentally] incapacitated person personally and upon each of the other persons in such manner as the court directs. The order for hearing shall expressly provide that appointed counsel for the alleged incapacitated person is authorized to seek and obtain medical and psychiatric information from all health care providers. The court, in the order, may, for good cause, allow shorter notice or dispense with notice, but in such case the order shall recite the ground therefor, and proof shall be submitted at the hearing that the ground for such dispensation continues to exist. A separate notice shall, in addition, be personally served on the alleged [mentally] incapacitated person stating that if he or she desires to oppose the action he or she may appear either in person or by attorney and may demand a trial by jury.

(b) Appointment and Duties of Counsel. The order shall include the appointment by the court of counsel for the alleged [mentally] incapacitated person. Counsel shall (1) personally interview the alleged [mentally] incapacitated person; (2) make inquiry of persons having knowledge of the alleged [mentally] incapacitated person's circumstances, his or her physical and mental state and his or her property; (3) make reasonable inquiry to locate any will, powers of attorney, or health care directives previously executed by the alleged [mentally] incapacitated person or to discover any interests the alleged [mentally] incapacitated person may have as beneficiary of a will or trust. At least three days prior to the hearing date counsel shall file a report with the court and serve a copy thereof on plaintiff's attorney and other parties who have formally appeared in the matter. The report shall contain the information developed by counsel's inquiry; shall make recommendations concerning the court's determination on the issue of mental incapacity; may make recommendations concerning the suitability of less restrictive alternatives such as a conservatorship or a delineation of those areas of decision-making that the alleged [mentally] incapacitated person may be capable of exercising; and whether a case plan for the [mentally] incapacitated person should thereafter be submitted to the court. The report shall further state whether the alleged [mentally] incapacitated person has expressed dispositional preferences and, if so, counsel shall argue for their inclusion in the judgment of the court. The report shall also make recommendations concerning whether good cause exists for the court to order that any power of attorney, health care directive, or revocable trust created by the alleged [mentally] incapacitated person be revoked or the authority of the person or persons acting thereunder be modified or restricted. If the alleged

[mentally] incapacitated person obtains other counsel, such counsel shall notify the court and appointed counsel at least five days prior to the hearing date.

(c) Examination. If the affidavit supporting the complaint is made pursuant to R. 4:86-2(c), the court may, on motion and upon notice to all persons entitled to notice of the hearing under paragraph (a), order the alleged [mentally] incapacitated person to submit to an examination. The motion shall set forth the names and addresses of the physicians who will conduct the examination, and the order shall specify the time, place and conditions of the examination. Upon request, the report thereof shall be furnished to either the examined party or his or her attorney.

(d) Guardian *Ad Litem*. At any time prior to entry of judgment, where special circumstances come to the attention of the court by formal motion or otherwise, a guardian *ad litem* may, in addition to counsel, be appointed to evaluate the best interests of the alleged [mentally] incapacitated person and to present that evaluation to the court.

(e) Compensation. The compensation of the attorney for the party seeking guardianship, appointed counsel, and of the guardian *ad litem*, if any, may be fixed by the court to be paid out of the estate of the alleged [mentally] incapacitated person or in such other manner as the court shall direct.

Note: Source – R.R. 4:102-4(a)(b). Paragraph (b) amended July 16, 1979 to be effective September 10, 1979; paragraph (a) amended July 21, 1980 to be effective September 8, 1980; paragraph (a) amended July 16, 1981 to be effective September 14, 1981; caption of former R. 4:83-4 amended, caption and text of paragraph (a) amended and in part redesignated as paragraph (b) and former paragraph (b) redesignated as paragraph (c) and amended, and rule redesignated June 29, 1990 to be effective September 4, 1990; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended and paragraphs (d) and (e) added June 28, 1996 to be effective September 1, 1996; paragraphs (a), (b), (c), (d), and (e) amended July 12, 2002 to be effective September 3, 2002;

paragraph (e) amended July 27, 2006 to be effective September 1, 2006; paragraphs (a), (b),(c),(d) and (e) amended July 9, 2008 to be effective September 1, 2008.

4:86-5. Proof of Service; Appearance of [Mentally] Alleged Incapacitated Person at Hearing; Answer

Prior to the hearing, the plaintiff shall file proof of service of the notice, order for hearing, complaint and affidavits and proof by affidavit that the alleged [mentally] incapacitated person has been afforded the opportunity to appear personally or by attorney, and that he or she has been given or offered assistance to communicate with friends, relatives, or attorneys. The plaintiff or appointed counsel [may] shall produce the alleged [mentally] incapacitated person at the hearing [or the court may direct the plaintiff to do so], unless the plaintiff and the court-appointed attorney certify that the alleged incapacitated person is unable to appear because of physical or mental incapacity and the court finds that it would be prejudicial to the health of the alleged [mentally] incapacitated person or unsafe for the alleged [mentally] incapacitated person or others to do so. If the alleged [mentally] incapacitated person or any person receiving notice of the hearing intends to appear by an attorney, such person shall, not later than five days before the hearing, serve and file an answer, affidavit, or motion in response to the complaint.

Note: Source – R.R. 4:102-5; caption and text of former *R.* 4:83-5 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; caption and text amended July 12, 2002 to be effective September 3, 2002; caption and text amended July 9, 2008 to be effective September 1, 2008.

4:86-6. Hearing; Judgment

(a) Trial. Unless a trial by jury is demanded by or on behalf of the alleged [mentally] incapacitated person, or is ordered by the court, the court without a jury shall, after taking testimony in open court, determine the issue of [mental] incapacity. If there is no jury, the court, with the consent of counsel for the alleged [mentally] incapacitated person, may take the testimony of a person who has filed an affidavit pursuant to R. 4:86-2(b) by telephone or may dispense with oral testimony and rely on the affidavits submitted. Telephone testimony shall be recorded verbatim.

(b) …no change

(c) Appointment of General or Limited Guardian. If a guardian of the person or of the estate or of both the person and the estate is to be appointed, the court shall appoint and letters shall be granted to the [mentally] incapacitated person's spouse, if the spouse was living with the [mentally] incapacitated person as husband or wife at the time the [mental] incapacity arose, or to the [mentally] incapacitated person's next of kin[;] , or the Office of the Public Guardian for Elderly Adults for adults within the statutory mandate of that office, or if none of them will accept the appointment or if the court is satisfied that no appointment from among them will be in the best interests of the [mentally] incapacitated person or estate, then the court shall appoint and letters shall be granted to such other person who will accept appointment as the court determines is in the best interests of the [mentally] incapacitated person including registered professional guardians or surrogate decision-makers chosen by the incapacitated person before incapacity by way of a durable power of attorney, health care proxy, or advanced directive.

(d) Duties of Guardian. Before letters of guardianship shall issue, the guardian shall accept the appointment in accordance with *R*. 4:96-1. The judgment appointing the guardian shall fix the amount of the bond, unless dispensed with by the court. The order of appointment shall require the guardian of the estate to file with the court within 90 days of appointment an inventory specifying all property and income of the [mentally] incapacitated person's estate, unless the court dispenses with this requirement. Within this time period, the guardian of the estate shall also serve copies of the inventory on all next of kin and such other interested parties as the court may direct. The order shall also require the guardian to keep the Surrogate continuously advised of the whereabouts and telephone number of the guardian and of the [mentally] incapacitated person, [and] to advise the Surrogate within 30 days of the [mentally] incapacitated person's death or of any major change in his or her status or health and to report on the condition of the incapacitated person and property as required by N.J.S.A. 3B:12-42.

Note: Source – R.R. 4:102-6(a)(b)(c), 4:103-3 (second sentence). Paragraph (a) amended July 26, 1984 to be effective September 10, 1984; paragraph (a) amended November 5, 1986 to be effective January 1, 1987; paragraphs (a) and (c) of former *R*. 4:83-6 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a) and (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (a) amended July 28, 2004 to be effective September 1, 2004; paragraph (a) amended, text of paragraph (c) redesignated as paragraphs (c) and (d) and amended, paragraph (c) caption amended, and paragraph (d) caption adopted July 9, 2008 to be effective September 1, 2008.

4:86-7. Regaining [Mental] Full or Partial Capacity

On [Upon] the commencement of a separate summary action [or upon the filing of a motion in the original cause] by the [mentally] incapacitated person or an interested person on his or her behalf, supported by affidavit and setting forth facts evidencing that the previously [mentally] incapacitated person no longer is [mentally] incapacitated or has returned to partial capacity, the court shall, on notice to the persons who would be set forth in a complaint filed pursuant to Rule [R.] 4:86-1, set a date for hearing, take oral testimony in open court with or without a jury, and may render judgment that the person no longer is [mentally] fully or partially incapacitated, that his or her guardianship be modified or discharged subject to the duty to account, and that his or her person and estate be restored to his or her control, or render judgment that the guardianship be modified but not terminated.

Note: Source – R.R. 4:102-7; former *R*. 4:83-7 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; caption and text amended July 12, 2002 to be effective September 3, 2002; caption and text amended July 9, 2008 to be effective September 1, 2008.

4:86-8. Appointment of Guardian for Nonresident [Mentally] Incapacitated Person

An action for the appointment of a guardian for a nonresident who has been or shall be found to be [a mentally] an incapacitated person under the laws of the state or jurisdiction in which the [mentally] incapacitated person resides shall be brought in the Superior Court pursuant to *R.* 4:67. The plaintiff shall exhibit and file with the court an exemplified copy of the proceedings or other evidence establishing the finding. If the plaintiff is the duly appointed guardian, trustee or committee of the [mentally] incapacitated person in the state or jurisdiction in which the finding was made, and applies to be appointed guardian in this State, the court may forthwith appoint that person without issuing an order to show cause.

Note: Source – R.R. 4:102-8. Amended July 26, 1984 to be effective September 10, 1984; former *R.* 4:83-8 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; caption and text amended July 12, 2002 to be effective September 3, 2002; caption and text amended July 9, 2008 to be effective September 1, 2008.

4:86-10. Appointment of Guardian for Persons Receiving Services From the Division of Developmental Disabilities

An action pursuant to N.J.S.A. 30:4-165.7 *et seq*. for the appointment of a guardian for a person over the age of 18 who is receiving services from the Division of Developmental Disabilities shall be brought pursuant to these rules insofar as applicable, except that:

(a) … no change

(b) … no change

(c) If the petition seeks guardianship of the person only, the Division of Advocacy for the Developmentally Disabled, in the Department of the Public Advocate [Office of the Public Defender], if available, shall be appointed as attorney for the alleged mentally incapacitated person, as required by R. 4:86-4. If the Division of Advocacy for the Developmentally Disabled, in the Department of the Public Advocate, [Office of the Public Defender] is unavailable or if the petition seeks guardianship of the person and the estate, the court shall appoint an attorney to represent the alleged mentally incapacitated person. The attorney for the alleged mentally incapacitated person may where appropriate retain an independent expert to render an opinion respecting the mental incapacity of the alleged mentally incapacitated person.

(d) …no change

Note: Adopted July 7, 1971 to be effective September 13, 1971; amended July 24, 1978 to be effective September 11, 1978. Former rule deleted and new rule adopted November 5, 1986 to be effective January 1, 1987; caption amended and paragraphs (b), (c) and (d) of former R. 4:83B10 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; paragraphs (b) and (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (c) amended June 28, 1996 to be effective September 1, 1996; paragraphs (b), (c), and (d) amended July 12, 2002 to be effective September 3, 2002; paragraph (c)

amended July 28, 2004 to be effective September 1, 2004; paragraph (c) amended July 9, 2008 to be effective September 1, 2008.

4:86-12. Special Medical Guardian in General Equity

(a) Standards. On the application of a hospital, nursing home, treating physician, relative or other appropriate person under the circumstances, the court may appoint a special guardian of the person of a patient to act for the patient respecting medical treatment consistent with the court's order, if it finds that:

(1) the patient is [mentally] incapacitated, unconscious, underage or otherwise unable to consent to medical treatment;

(2) …no change

(3) …no change

(4) …no change

(b) …no change

(c) …no change

(d) …no change

Note: Adopted November 1, 1985 to be effective January 2, 1986; paragraphs (a), (b) and (c) of former *R*. 4:83-12 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; paragraph (a)(1) amended July 12, 2002 to be effective September 3, 2002; caption and paragraph (a)(1) amended July 9, 2008 to be effective September 1, 2008.

6:1-1. Scope and Applicability of Rules

The rules in Part VI govern the practice and procedure in the Special Civil Part, heretofore established within and by this rule continued in the Law Division of the Superior Court.

(a) …no change

(b) …no change

(c) ... no change

(d) …no change

(e) Service of Process and Enforcement of Judgments. Officers of the Special Civil Part shall serve process in accordance with R. 6:2-3 and enforce judgments in accordance with R. 6:7. 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.

(f) … no change

(g) Forms. The forms contained in Appendix XI to these rules are approved and, except as otherwise provided in R. 6:2-1 (form of summons) and R. 6:7-2(b) through (g) (information subpoena), suggested for use in the Special Civil Part. Samples of each form shall be made available to litigants by the Clerk of the Special Civil Part.

Note: Caption amended and paragraphs (a) through (g) adopted November 7, 1988 to be effective January 2, 1989; paragraph (c) amended July 17, 1991 to be effective immediately; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (c) amended July 27, 2006 to be effective September 1, 2006; paragraphs (e) and (g) amended July 9, 2008 to be effective September 1, 2008.

6:3-4. Summary Actions For Possession of Premises [Between Landlord and Tenant]

(a) No Joinder of Actions. Summary actions between landlord and tenant for the recovery of premises and forcible entry and detainer actions shall not be joined with any other cause of action, nor shall a defendant in such proceedings file a counterclaim or third-party complaint. A party may file a single complaint seeking the possession of a rental unit from a tenant of that party and from another in possession of that unit in a summary action for possession provided that (1) the defendants are separately identified by name or as otherwise permitted by R. 4:26-5(c) or (d) and R. 4:26-5(e), and (2) each party's interests are separately stated in the complaint.

(b) Acquisition of Title From Tenant; Option to Purchase. When the landlord acquired title from the tenant or has given the tenant an option to purchase the property, the complaint shall recite those facts.

(c) Form of Complaint in Non-Payment Cases. Complaints in summary actions for possession of residential premises based on non-payment of rent must be verified in accordance with R. 1:4-7, must expressly state the owner's identity, the relationship of the plaintiff to the owner, the amount of rent owed as of the date of the complaint and that if this amount and any other rent that comes due is paid to the landlord or the clerk at any time before the trial date, or before 4:30 p.m. on the day of trial, the case will be dismissed. The amount of rent owed for purposes of the dispossess action can include only the amount that the tenant is required to pay by federal, state or local law and the lease executed by the parties. The complaint shall be substantially in the form set forth in the model verified complaint contained in Appendix XI-X to these Rules.

(d) Notices. Complaints in all tenancy actions shall have attached thereto copies of all notices upon which the plaintiff intends to rely.

Note: Source – R.R. 7:5-12. Caption and text amended July 14, 1992 to be effective September 1, 1992; amended July 27, 2006 to be effective September 1, 2006; caption amended, former text allocated into paragraphs (a) and (b), captions to paragraphs (a) and (b) adopted, and new paragraphs (c) and (d) added July 9, 2008 to be effective September 1, 2008.

6:5-1. Applicability of Part IV Rules; Sanctions

R. 4:37 (dismissal of actions), R. 4:38 (consolidation), R. 4:39 (verdicts) and R. 4:40 (motion for judgment) are applicable to the Special Civil Part. The court may order a party whose complaint is dismissed pursuant to R. 1:2-4 or R. 4:37-1(b) for failure to appear for trial or who seeks to refile such a complaint pursuant to R. 4:37-4 to pay to the aggrieved party costs, reasonable attorney's fees and expenses related to the dismissed action.

Note: Source -- 1969 Revision; amended November 7, 1988 to be effective January 2, 1989; caption and text amended July 12, 2002 to be effective September 3, 2002; amended July 9, 2008 to be effective September 1, 2008.

6:6-3. Judgment by Default

(a) … no change

(b) … no change.

(c) … no change.

(d) Time for Entry. If a party entitled to a judgment by default fails to apply therefor within 6 months after entry of default, judgment shall not be entered except on motion to the court and all applicable proofs required under R. 6:6-3(a) through (c) shall be attached to the moving papers.

(e) ... no change.

Note: Source – R. R. 7:9-2(a) (b), 7:9-4. Paragraphs (a) and (d) amended June 29, 1973 to be effective September 10, 1973; paragraph (c) amended November 1, 1985 to be effective January 2, 1986; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (c) amended June 29, 1990 to be effective September 4, 1990; paragraphs (a), (b) and (c) amended July 14, 1992 to be effective September 1, 1992; paragraphs (a), (b), and (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended July 18, 2001 to be effective November 1, 2001; paragraphs (a), (b), and (c) amended, and new paragraph (e) added July 12, 2002 to be effective September 3, 2002; paragraphs (a) and (d) amended July 28, 2004 to be effective September 1, 2004; paragraph (b) amended July 27, 2006 to be effective September 1, 2006; paragraph (d) amended July 9, 2008 to be effective September 1, 2008.

6:10. Representation in Summary Actions For Possession of Premises [Between Landlord and Tenant]

The prohibition of appearances and filing of court papers by business entities other than sole proprietors, contained in R. 1:21-1(c), shall apply to summary actions for possession of premises [between landlord and tenant], except that a partner in a general partnership may file papers and appear pro se.

Note: Former R. 6:10 (bastardy proceedings) deleted December 13, 1983 to be effective December 31, 1983; present rule adopted July 14, 1992 to be effective September 1, 1992; amended July 13, 1994 to be effective September 1, 1994; amended July 9, 2008 to be effective September 1, 2008.

RULE 8:2. REVIEW JURISDICTION

(a) General Jurisdiction. The Tax Court shall have initial review jurisdiction of all final decisions including any act, action, proceeding, ruling, decision, order or judgment including the promulgation of any rule or regulation of a County Board of Taxation, the Director of the Division of Taxation, any other state agency or official (including the [Director of the Division of Motor Vehicles] Motor Vehicle Commission), or any county or municipal official with respect to a tax matter (including the realty transfer fee). The Tax Court shall have initial jurisdiction to review those local property tax assessments when review is sought pursuant to N.J.S.A. 54:51A-2 (direct review in the Tax Court of certain appeals). The Tax Court shall also have jurisdiction over any action cognizable in the Superior Court that raises any issue as to which expertise in taxation is desirable and that has been transferred to the Tax Court pursuant to Rule 4:3-4(a).

(b) … no change

(c) … no change

Note: Adopted June 20, 1979 to be effective July 1, 1979. Paragraphs (a) and (c) amended July 8, 1980 to be effective July 15, 1980; paragraph (c) amended July 22, 1983 to be effective September 12, 1983; paragraph (a) amended July 26, 1984 to be effective September 10, 1984; paragraph (a) amended July 10, 1998, to be effective September 1, 1998; paragraph (c) amended July 27, 2006 to be effective September 1, 2006; paragraph (a) amended July 9, 1008 to be effective September 1, 2008.

8:3-2. Pleadings Allowed

(a) Generally. Pleadings shall consist of the complaint and such responsive pleadings as shall be filed in the action. A case information statement shall be attached to the complaint.

(b) Local Property Tax Cases. In local property tax cases, every [Every] defendant may but need not file an answer [except that in state tax cases (other than cases governed by R. 8:11, Small Claims) there shall be a complaint and an answer]. [In local property tax matters there] There may be a counterclaim and an answer to a counterclaim denominated as such. Unless by order of the court, no other pleading is allowed, except in response to amended and supplementary pleadings.

(c) State Tax Cases. In state tax cases (other than cases governed by R. 8:11 (Small Claims), there shall be a complaint and an answer. Unless by order of the court, no other pleading is allowed, except in response to amended and supplementary pleadings.

Note: Adopted June 20, 1979 to be effective July 1, 1979; amended July 16, 1981 to be effective September 14, 1981; text allocated into paragraphs (a) and (b) and amended, paragraph (a) and (b) captions adopted, and new paragraph (c) adopted July 9, 2008 to be effective September 1, 2008.

8:3-5. Contents of Complaint; Specific Actions

(a) … no change

(b) State Tax Cases.

(1) A Case Information Statement in the form specified by the Tax Court shall be attached to the face of the complaint, and a copy of the action, determination or deficiency notice of the Director of the Division of Taxation or of any other state agency or officer (including the [Director of the Division of Motor Vehicles] Motor Vehicle Commission) with respect to a tax matter, or of a county recording officer with respect to the realty transfer tax, if any, to be reviewed shall be attached to the complaint. The complaint may include in separate counts allegations with respect to separate taxes or assessments.

(2) … no change

(c) … no change

Note: Adopted June 20, 1979 to be effective July 1, 1979. Paragraphs (a)(1), (2) and (3) amended July 8, 1980 to be effective July 15, 1980; paragraphs (a)(1) and (3) amended July 15, 1982 to be effective September 13, 1982; paragraph (a)(4) amended July 22, 1983 to be effective September 12, 1983; paragraph (b) amended November 1, 1985 to be effective January 2, 1986; paragraphs (a)(1), (2) and (4) amended November 5, 1986 to be effective January 1, 1987; paragraph (b)(2) amended November 7, 1988 to be effective January 2, 1989; paragraphs (a)(1), (b)(1) and (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (a)(4) amended July 10, 1997 to be effective September 1, 1997; paragraph (b)(1) amended July 9, 2008 to be effective September 1, 2008.

8:4-1. Time for Filing Complaint.

The time within which a complaint may be filed in the Tax Court is as follows:

(a) Local Property Tax Matters.

(1) … no change

(2) … no change

(3) … no change

(4) Complaints pursuant to the direct review provisions of N.J.S.A. 54:3-21 shall be filed on or before April 1 of the tax year. In a taxing district where a municipal-wide revaluation or a municipal-wide reassessment has been implemented, complaints pursuant to the direct review provisions of N.J.S.A. 54:3-21 shall be filed on or before May 1 of the tax year. Complaints seeking to review a notification of change in assessment pursuant to the provisions of N.J.S.A. 54:3-21 shall be filed within 45 days of the service of the notice of change in assessment. Service of the notice of change in assessment, when by mail, shall be deemed complete as of the date the notice is mailed, subject to the provisions of R. 1:3-3.

(b) State Tax Matters. Complaints seeking to review actions of the Director of the Division of Taxation, any other state agency or officer (including the [Director of the Division of Motor Vehicles] Motor Vehicle Commission) with respect to a tax matter, or a county recording officer with respect to the realty transfer tax shall be filed within 90 days after the date of the action to be reviewed.

(c) Tax Rebate Matters. Complaints seeking review of a final determination of the Director of the Division of Taxation with respect to [a homestead tax rebate claim or

NJ SAVER tax rebate claim] any homestead credit, rebate, or refund program administered by the Division of Taxation, shall be filed within 90 days of the issuance of the determination.

Note: Adopted June 20, 1979 to be effective July 1, 1979. Paragraph (a)(2) amended July 8, 1980 to be effective July 15, 1980; paragraphs (a)(2) and (3) amended July 22, 1983 to be effective September 12, 1983; paragraph (c) adopted July 22, 1983 to be effective September 12, 1983; paragraph (a)(1) amended November 5, 1986 to be effective January 1, 1987; paragraph (c) amended May 6, 1991 to be effective immediately; paragraph (a)(4) amended July 14, 1992 to be effective September 1, 1992; paragraph (c) caption and text amended July 12, 2002 to be effective September 3, 2002; paragraphs (a)(4), (b) and (c) amended July 9, 2008 to be effective September 1, 2008.

8:5-3. On Whom Served

(a) Review of Action of a County Board of Taxation or Direct Review by the Tax Court. … no change

(b) Review of State Tax Action.

(1) A complaint by a taxpayer to review an action of the Director of the Division of Taxation, any other state agency (including the [Director of the Division of Motor Vehicles] Motor Vehicle Commission) with respect to a tax matter, or a county recording officer with respect to the realty transfer tax shall be served as to the former upon the state agency or as to the latter upon the county recording officer. In addition, said complaint shall be served upon the Attorney General of the State of New Jersey, except that no service upon the Attorney General shall be required of a complaint to review the Director's denial of [a taxpayer's homestead or NJ SAVER rebate application filed pursuant to N.J.S.A. 54:4-8.57 et seq.] any homestead credit, rebate or refund program administered by the Division of Taxation. In [homestead or NJ SAVER rebate] cases arising under any homestead credit, rebate, or refund program administered by the Division of Taxation, the complaint shall be served on [upon] the Attorney General by the Clerk of the Tax Court as soon as practical after filing of the complaint.

(2) … no change

(3) … no change

(4) … no change

(c) Subsequent Pleadings. … no change

Note: Adopted June 20, 1979 to be effective July 1, 1979. Paragraph (a)7 adopted and paragraphs (b)(1) and (2) amended July 8, 1980 to be effective July 15, 1980; paragraphs

(a)(1), (2), (3) and (7) amended July 15, 1982 to be effective September 13, 1982; paragraph (a)(5) amended and paragraph (b)(4) adopted July 22, 1983 to be effective September 12, 1983; paragraph (a)(3) amended and paragraph (a)(8) adopted November 7, 1988 to be effective January 2, 1989; paragraph (a) caption and paragraphs (a)(7) and (8) amended and paragraph (c) adopted June 29, 1990 to be effective September 4, 1990; paragraph (a)(5) amended July 14, 1992 to be effective September 1, 1992; paragraph (a)(1) amended July 13, 1994; paragraph (b)(1) amended July 12, 2002 to be effective September 3, 2002; paragraphs (a)(7) and (a)(8) amended July 27, 2006 to be effective September 1, 2006; paragraph (b)(1) amended July 9, 2008 to be effective September 1, 2008.

8:5-4. Mode of Service of Complaint

Service shall be made personally or by certified or registered mail, return receipt requested, as provided in R. 4:4-4 with the following exceptions:

(1) … no change

(2) … no change

(3) … no change

(4) … no change

(5) … no change

(6) [Upon] On the Attorney General of the State of New Jersey in accordance with the provisions of R. 4:4-4(a)(7), except that service by the Tax Court Administrator in [Homestead Rebate] any homestead credit, rebate, or refund program cases under R. 8:5-3(b)(1) may be made in such manner as the Presiding Judge of the Tax Court may from time to time prescribe.

Note: Adopted June 20, 1979 to be effective July 1, 1979. Paragraphs (a)(4) and (6) amended July 8, 1980 to be effective July 15, 1980; paragraph (a)(2) amended July 15, 1982 to be effective September 13, 1982; paragraph (a)(3) amended November 2, 1987 to be effective January 1, 1988; caption and text amended June 29, 1990 to be effective September 4, 1990; paragraph (6) amended July 13, 1994 to be effective September 1, 1994; paragraph 6 amended July 9, 2008 to be effective September 1, 2008.

RULE 8:6. PRETRIAL PROCEEDINGS; ASSIGNMENT TO TRACKS AND CASE MANAGEMENT

8:6-1. Discovery; Exchange of Appraisals and Comparable Sales and Rentals

(a) Discovery. Discovery may be taken in accordance with the provisions of R. 4:10-1 through R. 4:18-2 and R. 4:22 through R. 4:25 insofar as applicable except as follows:

[(1) In local property tax cases, discovery shall be completed within 150 days from service of the complaint, as directed in the case management notice, or as otherwise directed by the court.]

[(2) In actions to review any equalization table, answers to interrogatories shall be served within 20 days from the date of service of the interrogatories.]

(1) [(3)] In state tax cases (other than small claims cases) leave of court, granted with or without notice, must be obtained if a party seeks to take a deposition by oral examination prior to the expiration of 60 days after service of the complaint.

(2) [(4)] In state tax cases [discovery shall be completed within 150 days or as directed in the case management notice or as otherwise directed by the court. The] the 150 days for the completion of discovery shall commence to run 60 days after the service of the complaint.

(3) In actions to review any equalization table, answers to interrogatories shall be served within 20 days from the date of service of the interrogatories.

(4) [(5)] In local property tax cases assigned to the Small Claims Track [Division] under the provisions of R. 8:11, discovery shall be limited to the property record card for the subject premises, inspection of the subject premises, a closing

statement if there has been a sale of the subject premises within three (3) years of the assessing date, the [cost] costs of improvements within three (3) years of the assessing date, and income, expense and lease information for income-producing property. The court in its discretion may grant additional discovery for good cause shown.

(5) [(6)] In local property tax cases, interrogatories and requests for production of documents shall be in the form and manner prescribed by the Tax Court.

(6) In local property tax cases the following time limits shall be applicable to discovery:

(i) Small Claims Track Cases. Discovery shall be completed within 75 days of the filing of the complaint. A discovery request for the items specified in Rule 8:6-1(a)(4) shall be responded to within 30 days after being served with the request.

(ii) Standard Track Cases. Discovery shall be completed within 150 days of the filing of the complaint.

(iii) Complex Track Cases. Discovery shall be completed within 150 days of the filing of the complaint unless extended by the court.

(iv) Expedited Track Cases. Discovery shall be completed within the time set by the court.

(v) Farmland and Exemption Track. Discovery shall be completed within 150 days of the filing of the complaint.

(b) Exchange of Appraisals and Comparable Sales and Rentals. Where the valuation of property is an issue:

(1) A party intending to rely upon the testimony of any person as a valuation expert must furnish an expert report containing the information in R. 8:6-1(b)(2). A party intending to rely upon the testimony of any person testifying as a valuation expert shall furnish each opposing party with a copy of the written appraisal report of the expert as follows:

(i) Standard Track Cases. Thirty (30) days prior to the trial date as designated by the court. The submission of this written appraisal report is in addition to the requirement that plaintiff's counsel furnish an appraisal or a demand for reduction in assessment with support therefore to counsel for defendant pursuant to R. 8:6-8. [in cases where a pretrial conference is held, at a time and in a manner fixed by the court, but no later than the time fixed by a case management notice or order, or]

(ii) Small Claims Track. Twenty (20) days prior to the trial date set forth in the case management notice or 20 days prior to such other trial date a designated by the court. [in cases where no pretrial conference is held, within the time fixed by a case management notice or order.]

(iii) All Other Track Cases. As directed by the court.

(iv) [(iii)] The court in its discretion may grant additional time for discovery [of appraisers and appraisal reports] following the exchange of appraisal reports.

(2) A party intending to rely on sales or rentals of comparable [property] properties shall furnish each opposing party with a list of comparable sales or rentals intended to be established by proof which list shall set forth as to each sale or rental and, as to each sale, the name of seller and purchaser, date of sale, the consideration, book and page number of the recording of the deed and, if available, the [Form] form SR1A

identification number of the Division of Taxation and, as to each rental, name of landlord and tenant, date of lease and relevant lease terms[,]. Such list shall be submitted as directed by the court or as follows:

(i) Standard Track Cases. Thirty (30) days prior to the trial date as designated by the court. [in cases where a pretrial conference is held, at a time and in a manner fixed by the court, but no later than 10 days prior to the first date fixed for trial, or]

(ii) Small Claims Track. Twenty (20) days prior to the trail date set forth in the case management notice or such other trial date as designated by the court. [in cases where no pretrial conference is held, 10 days prior to the date of trial.]

Note: Adopted June 20, 1979 to be effective July 1, 1979. Amended July 8, 1980 to be effective July 15, 1980; paragraph (a) amended July 16, 1981 to be effective September 14, 1981; paragraphs (a) and (b) amended and caption amended July 15, 1982 to be effective September 13, 1982; paragraph (b)(1)(iii) adopted July 22, 1983 to be effective September 12, 1983; paragraph (a)(4) adopted November 5, 1986 to be effective January 1, 1987; paragraph (a)(5) adopted July 13, 1994 to be effective September 1, 1994; paragraphs (b)(1)(i) and (b)(1)(ii) amended July 10, 1998 to be effective September 1, 1998; new paragraph (a)(1) added, former paragraphs (a)(1), (a)(2), and (a)(3) amended and redesignated as paragraphs (a)(2), (a)(3), and (a)(4), and former paragraphs (a)(4) and (a)(5) redesignated as paragraphs (a)(5) and (a)(6) July 12, 2002 to be effective September 3, 2002; Rule 8:6 caption amended, paragraphs (a) and (b) amended July 9, 2008 to be effective September 1, 2008.

8:6-2. Pretrial Conferences

(a) Local Property Tax Cases. Pretrial conferences may be held at the discretion of the court either on its own motion or on a party's written request. The request of a party for a pretrial conference shall include a statement of the facts and reasons supporting the request. The court, on its own motion or at a party's request, may direct that a pretrial conference be conducted by telephone. In those cases in which a pretrial conference has been scheduled, each party shall file with the court and exchange with each other party its pretrial memorandum no less than seven (7) business days before the pretrial conference. The pretrial memorandum shall be in the form prescribed by the Tax Court.

(b) State Tax Cases. Pretrial conferences may be held pursuant to R. 4:25-1, et seq. There shall be no separately scheduled pretrial conferences for small claims division matters, except for good cause.

Note: Adopted June 20, 1979 to be effective July 1, 1979; amended July 15, 1982 to be effective September 13, 1982; former text designated as paragraph (b), paragraph (b) caption adopted, and new paragraph (a) adopted July 9, 2008 to be effective September 1, 2008.

8:6-4. Local Property Tax Cases; Tracks and Subtracks; Standards for Assignment

Every local property tax action filed in the Tax Court shall be assigned, as prescribed by this rule, to the standard track, the complex track, the expedited track, the farmland assessment and exemption track, or small claims track, in accordance with the following criteria:

(1) Standard Track. An action not qualifying for assignment to the complex track, farmland assessment and exemption track, small claims track, or expedited track shall be assigned to the standard track.

(2) Complex Track. An action shall ordinarily be assigned to the complex track for individual judicial management if it appears likely that the case will require a disproportionate expenditure of court and litigation resources in its preparation for trial by reason of the number of parties involved, the number of claims and defenses raised, the legal difficulty of the issues presented, the factual difficulty of the subject matter, or a combination of these or other factors.

(3) Expedited Track. An action shall ordinarily be assigned to the expedited track where specific disposition times are imposed by statute or where it appears that tax policy considerations as reflected in the statutes or court rules demonstrate that a summary proceeding would be more appropriate than a plenary trial.

(4) Farmland Assessment and Exemption Track. An action involving the review of a farmland assessment, rollback tax assessment and/or exemption shall ordinarily be assigned to the farmland assessment and exemption track.

(5) Small Claims Track. An action shall ordinarily be assigned to the small claims track if it is indicated on the case information statement that the matter is within the small claims jurisdiction pursuant to R. 8:11.

After track assignment has been made, the special procedures prescribed by these rules for each track governing such matters as discovery, motion practice, case management and pretrial conferences and orders, and the fixing of trial dates shall apply.

Note: Adopted July 9, 2008 to be effective September 1, 2008.

8:6-5. Local Property Tax Cases; Track Assignment

The Tax Court Management Office shall advise the parties of the track assignment. At the discretion of the Presiding Judge, the track assignment may be advanced or delayed. If all attorneys agree as to the appropriate track assignment, the assigned judge shall not designate a different track except for good cause and only after giving all attorneys the opportunity to object, either in writing or orally, to the proposed designation. If all attorneys do not agree, the designation shall be made by the assigned judge. If it is not clear from an examination of the information provided which track assignment is most appropriate, the case shall be assigned to the track that affords the greater degree of management.

Note: Adopted July 9, 2008 to be effective September 1, 2008.

8:6-6. Local Property Tax Cases; Case Management Notice

Upon the filing of a complaint, the Tax Court Management Office shall forward to the parties a case management notice in the form specified by the Tax Court. Forthwith upon the making of the track assignment, the Tax Court Management Office shall send written notice thereof to all parties in the action. If the case has been assigned to the standard, small claims, or farmland and exemption track, the notice shall state the date by which discovery is required to be completed pursuant to R. 8:6-1 (a), the anticipated month and year of trial, the name of the case manager, and the requirements for case management and settlement conferences. The notice shall also advise that each party, including subsequently added parties, may apply for track reassignment pursuant to R. 8:6-7.

Note: Adopted July 9, 2008 to be effective September 1, 2008.

8:6-7. Local Property Tax Cases; Track Reassignment

An action may be reassigned to a track other than that specified in the case management notice on application of a party or on the court's own motion. The application may be made informally to the assigned judge and shall state with specificity the reasons why the original track assignment is inappropriate. No formal motion for track reassignment is required unless the assigned judge so directs. Any such application shall be made not later than the date of filing of the mandatory settlement conference report pursuant to R. 8:6-8. A copy of such application shall be served on all parties and any objections to such application shall be submitted to the assigned judge within 10 days of that service.

Note: Adopted July 9, 2008 to be effective September 1, 2008.

8:6-8. Local Property Tax Cases; Mandatory Settlement Conference

In all local property tax cases assigned to the standard track, the parties shall hold a mandatory settlement conference not later than four (4) months before the scheduled trial month as set forth in the case management notice. The date for the mandatory settlement conference shall be fixed by the designated case manager and shall be provided to the parties in the form specified by the court. Counsel for all parties and the assessor or the taxing district's appraisal consultant shall be present at the mandatory settlement conference, which may be conducted by telephone or in person at the office of the municipal assessor or such other place as agreed upon by the parties. At least seven (7) days prior to the date fixed for the mandatory settlement conference, plaintiff's counsel must furnish to defendant's counsel an appraisal by plaintiff's appraisal expert in the form specified by the court or a demand for reduction in assessment with support therefor. Results of the mandatory settlement conference shall be reported by the parties to the case manager in the form specified by the court within ten (10) days of the mandatory settlement conference. The mandatory settlement conference report shall include certifications that initial standard form interrogatories have or have not been served and answered by each party. The parties shall have ten (10) days from the date of notice of noncompliance to comply with the requirements of this rule. The failure of any party to receive a notice of noncompliance shall not relieve that party of the duty to comply.

Note: Adopted July 9, 2008 to be effective September 1, 2008.

8:8-5. Adjournments

(a) State Tax Cases. Adjournments of pretrial conferences and trials will be granted only for good cause shown and may be subject to sanctions as provided by R. 1:2-4(a). Routine adjournments will not be permitted.

(b) Local Property Tax Cases. Except as provided in R. 8:8-5(c), adjournments of pretrial conferences and trials will be granted only for good cause shown and may be subject to sanctions as provided by R. 1:2-4(a). Routine adjournments will not be permitted. Failure to file the mandatory settlement conference report and certify that answers have been provided by all parties to standard form interrogatories shall result in a mandatory in-person conference with the assigned trial judge. The sanctions as provided by R. 1:2-4(a) other than dismissal of the complaint shall also be applicable to any party who without good cause fails to attend a mandatory settlement conference scheduled pursuant to R. 8:6-8.

(c) Standard Track Local Property Tax Cases. In standard track local property tax cases having an assigned trial date within fourteen (14) months after the date of the filing of the complaint, the case manager, having confirmed that the parties have complied with the requisite procedures of R. 8:6-8, shall grant a request for an adjournment by the non-defaulting party within thirty (30) days after the scheduled mandatory settlement conference pursuant to R. 8:6-8, and shall schedule the trial after the fourteenth (14th) month but not later than the eighteenth (18th) month following the filing of the complaint.

Note: Adopted June 20, 1979 to be effective July 1, 1979; former text designated as paragraph (a), paragraph (a) caption adopted, and new paragraphs (b) and (c) adopted July 9, 2008 to be effective September 1, 2008.

RULE 8:11. SMALL CLAIMS DIVISION; PRACTICE AND PROCEDURE

(a) (1) The small claims division will hear all state tax cases in which the amount of refund claimed or the taxes or additional taxes sought to be set aside with respect to any year for which the amount in controversy as alleged in the complaint does not exceed the sum of $2,000 exclusive of interest and penalties.

(2) The small claims division will hear all local property tax cases in which the property at issue is a class 2 property (1-4 family residence) or a class 3A farm residence. Local property tax cases in the small claims division shall be assigned to the small claims track.

[The Tax Court Administrator shall assign complaints as appropriate to the small claims division.]

(b) The general rules of practice and procedure in the Tax Court shall apply to the small claims division [; however, discovery is limited as] , except as otherwise provided in Part VIII. [R. 8:6-1(a)(5) and the] A pretrial conference may be held at the time that the case is scheduled for a hearing. The pretrial conference and the hearing shall be informal and the court may hear such testimony and receive such evidence as it deems necessary or desirable for a just and equitable determination of the case. All testimony shall be given under oath and a verbatim record shall be made of the proceeding.

(c) A complaint for review of a local property tax assessment on property that [which] is in common ownership with and contiguous to other property will be regarded as a small claims complaint for all purposes, including assignment and filing fee calculation, only if each of the separately assessed parcels included in the complaint is

within the jurisdiction of the small claims division. If one or more of the separately assessed parcels is outside the jurisdiction of the small claims division, the complaint shall not be regarded as a small claims complaint.

(d) In state tax cases, if it appears at any time before the close of proofs that the amount of refund claimed or the taxes or additional taxes sought to be set aside or amount in controversy exceeds the jurisdictional amount of the small claims division, the relief to be granted need not be limited to such jurisdictional amount, and the court may in its discretion retain the matter in the small claims division or transfer the matter to the general calendar.

(e) In local property tax cases, if it appears at any time before the close of proofs that a parcel of property under appeal is neither a class 2 property (1-4 family residence) nor a class 3A farm residence, and therefore not within the jurisdiction of the small claims division, the court may in its discretion retain the matter in the small claims track [division] or transfer the matter to the standard track [general calendar].

Note: Adopted June 20, 1979 to be effective July 1, 1979; amended July 22, 1983 to be effective September 12, 1983; amended November 5, 1986 to be effective January 1, 1987; amended November 7, 1988 to be effective January 2, 1989; amended July 13, 1994 to be effective September 1, 1994; amended July 5, 2000 to be effective September 5, 2000; amended July 28, 2004 to be effective September 1, 2004; paragraph letters added, paragraphs (a), (b), (c), and (e) amended July 9, 2008 to be effective September 1, 2008.

RULE 8:12. FILING FEES

(a) … no change

(b) … no change

(c) … no change

(d) Matters Exempt From Fee.

(1) No fee shall be paid upon the filing of a complaint within the small claims jurisdiction in an action where the sole issue is eligibility for [a homestead tax rebate] any homestead credit, rebate, or refund program administered by the Division of Taxation or a senior citizen's or veteran's exemption or deduction.

(2) … no change

Note: Adopted June 20, 1979 to be effective July 1, 1979; amended July 22, 1983 to be effective September 12, 1983; paragraph (d) redesignated (d)(1) and paragraph (d)(2) adopted November 5, 1986 to be effective January 1, 1987; paragraphs (a), (b) and (c) amended July 9, 1991 to be effective July 10, 1991; paragraphs (a), (b) and (c) amended, paragraph (c)(2) redesignated (c)(2)(i) and paragraph (c)(2)(ii) adopted July 10, 1997, to be effective September 1, 1997; paragraph (b) and (c)(2) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a), (c)(1), (c)(2)(i), (c)(2)(ii) and (c)(3) amended July 1, 2002 to be effective immediately; paragraphs (a) and (b) amended July 27, 2006 to be effective September 1, 2006; paragraph (d)(1) amended July 9, 2008 to be effective September 1, 2008.

APPENDIX II-A

[Form F.] Notice to Client/Pro Se Party Pursuant to R. 4:23-5(a)(1)

Enclosed is a copy of the court's order which

_____ dismisses your complaint

_____ strikes your answer and defenses

_____ other (be specific)

This order can be vacated only by a formal motion. You must [supply fully responsive and certified answers to the interrogatories] fully respond to demands for discovery made pursuant to *R.* 4:17, *R.* 4:18-1 or *R.* 4:19 and served on behalf of (name) prior to the filing of such a motion, and you must pay a restoration fee of $100.00 if the motion to vacate is made within 30 days after entry of this order and in the amount of $300.00 if the motion is made thereafter.

Failure to file such a motion within 90 days after the entry of this order may result in the imposition of counsel fees and the assessment of costs against you or may forever preclude the restoration of the pleading(s) filed on your behalf.

Please be guided accordingly.

Note: Form F amended [Amended] July 10, 1998 to be effective September 1, 1998; Form F designated as Appendix II-A and text amended July 9, 2008 to be effective September 1, 2008.

APPENDIX II-B

[Form G.] Notice to Client/*Pro Se* Party Pursuant to *R*. 4:23-5(a)(2)

Please be advised that a motion has been filed with the court by ____(name of party)____ seeking to dismiss with prejudice the pleading(s) filed on your behalf. This relief is being requested because a previous order of dismissal without prejudice was entered and you have still not [furnished fully responsive and certified answers to interrogatories] fully responded to demands for discovery made pursuant to R. 4:17, R. 4:18-1 or R. 4:19. If this motion is granted, your claim will be dismissed and may not be subject to restoration or your answer will be stricken and judgment by default may be entered against you.

This motion will be heard at the courthouse, ____(address)____, New Jersey, on ____(date)_____, 20__, at 9:00 a.m., before Judge _____ _____.

You have the right to appear before the court and you will be afforded the opportunity to explain any exceptional circumstances that may exist to preclude the court from granting the relief requested. If you are pro se, your appearance before the court on the return date of the motion is mandatory. Please be guided accordingly.

Note: Form G adopted [Adopted] July 10, 1998 to be effective September 1, 1998; Form G designated as Appendix II-B and text amended July 9, 2008 to be effective September 1, 2008.

APPENDIX XI-T — CERTIFICATION BY LANDLORD

YOU MUST COMPLETE THIS PART:
NAME OF LANDLORD OR ATTORNEY: _____
ADDRESS & PHONE #: _____
_____

Plaintiff, vs. Defendant.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION SPECIAL CIVIL PART _____ COUNTY LANDLORD-TENANT DIVISION Docket No. LT-_____ Civil Action **CERTIFICATION BY LANDLORD**

THE LANDLORD SHOULD COMPLETE PART A OR PART B OR BOTH (IF BOTH APPLY). CROSS OUT ANY PARAGRAPHS IN THOSE PARTS THAT DO NOT APPLY IN THIS CASE. PART C APPLIES TO ALL CASES AND MUST BE COMPLETED.

A. WHEN THE EVICTION IS BASED ON UNPAID RENT

1. The tenant has failed to pay rent now due and owing in the amount of $_____ . That amount consists of basic rent of $_____, late charges of $_____, legal fees *relating to this action for eviction* of $_____, filing fees and costs of $_____, and other (specify) _____.
2. All of the items listed above are included in the lease agreement as rent.
3. All of those items are permitted by applicable federal, state and local laws (including rent control or rent leveling, if applicable) to be charged as rent for purposes of this action.

B. WHEN THE EVICTION IS BASED ON OTHER GROUNDS

Eviction is sought because _____
_____
_____

C. IN ALL CASES:

1. I have attached a copy of all notices that have been served on the tenant.
2. These notices were served on the tenant (check one or more) _____ by ordinary mail, _____ by certified mail, _____ personally, on _____.
3. All of the facts stated in the notices are true.
4. If I proceeded without an attorney, I certify that I own the property in my own name or in the name of a general partnership of which I am a partner.
5. I have complied with the registration requirements of N.J.S.A. 46:8-27 *et seq.*
6. The tenant did not transfer ownership to me and I have not given the tenant an option to buy the property.
7. The tenant is not in the military service of the United State nor any of its allies, nor is the premises used for dwelling purposes of the spouse, a child or other dependent of a person in the military service of the United States.

I, THE LANDLORD, CERTIFY THAT THE FOREGOING STATEMENTS MADE BY ME ARE TRUE. I AM AWARE THAT IF ANY OF THE FOREGOING STATEMENTS MADE BY ME ARE WILFULLY FALSE, I AM SUBJECT TO PUNISHMENT.

DATE: _____ _____
(PRINT NAME BELOW) LANDLORD

[Note: Appendix XI-T adopted July 18, 2001 to be effective November 1, 2001; amended July 27, 2006 to be effective September 1, 2006, amended July 9, 2008 to be effective September 1, 2008.]

APPENDIX XI-X. VERIFIED COMPLAINT – NONPAYMENT OF RENT

[Rule 6:3-4(c)]

Attorney(s)/Pro Se: _____
Office Address: _____
Phone No.: _____

SUPERIOR COURT OF NEW JERSEY
Law Division, Special Civil Part
_____ County
Docket No.: LT - _____

Name of Plaintiff(s)/Landlord(s):

Civil Action

vs

VERIFIED COMPLAINT
LANDLORD/TENANT

Name of Defendant(s)/Tenant(s):

___ Non-payment of Rent
___ Other (Required Notices Attached)

Address of Rental Premises: _____
Tenant's Phone No.: _____

1. The owner of record is _____.
   (name of owner)

2. Plaintiff is the owner or (check one) ___agent, ___assignee, ___grantee or ___ prime tenant of the owner.

3. The landlord __ did __ did not acquire ownership of the property from the tenant(s).

4. The landlord __ has __ has not given the tenant(s) an option to purchase the property.

5. The tenant(s) now reside(s) in and has (have) been in possession of these premises since _____, (mm/dd/yyyy) under (check one) __written or __oral agreement.

6. ___ Check here if the tenancy is subsidized pursuant to either a federal or state program or the rental unit is public housing.

7. The landlord has registered the leasehold and notified tenant as required by N.J.S.A. 46:8-27.

8. The amount that must be paid by the tenant(s) for these premises is $_____, payable on the ___ day of each __month or __week in advance.

COMPLETE PARAGRAPHS 9A AND 9B IF COMPLAINT IS FOR NON-PAYMENT OF RENT

9A. There is due, unpaid and owing from tenant(s) to plaintiff/landlord rent as follows:

$_____ base rent for _____ (specify the week or month)
$_____ base rent for _____ (specify the week or month)
$_____ base rent for _____ (specify the week or month)
$_____ late charge* for _____ (specify the week or month)
$_____ late charge* for _____ (specify the week or month)
$_____ late charge* for _____ (specify the week or month)
$_____ attorney fees*
$_____ other* (specify _____)
$_____ court costs (fees for filing and serving the complaint)
$_____ TOTAL

*The late charges, attorney fees and other charges are permitted to be charged as rent for purposes of this action by federal, state and local law (including rent control and rent leveling) and by the lease.

9B. The date that the next rent is due is _____.
(mm/dd/yyyy)

If this case is scheduled for trial before that date, the total amount you must pay to have this complaint dismissed is $_____.
(Total from line 9A)

If this case is scheduled for trial on or after that date, the total amount you must pay to have this complaint dismissed is $_____.
(Total from line 9A plus the amount of the next rent due)

These amounts do not include late fees or attorney fees for Section 8 and public housing tenants. Payment may be made to the landlord or the clerk of the court at any time before the trial date, but on the trial date payment must be made by 4:30 p.m. to get the case dismissed.

CHECK PARAGRAPHS 10 AND 11 IF THE COMPLAINT IS FOR OTHER THAN OR IN ADDITION TO NON-PAYMENT OF RENT. ATTACH ALL NOTICES TO CEASE AND NOTICES TO QUIT/DEMANDS FOR POSSESSION.

10. ___ Landlord seeks a judgment for possession for the additional or alternative reason(s) stated in the notices attached to this complaint. STATE REASONS:

_____
_____
_____
_____
_____

(Attach additional sheets if necessary.)

11. ___ The tenant(s) has (have) not surrendered possession of the premises and tenant(s) hold(s) over and continue(s) in possession without the consent of landlord.

WHEREFORE, plaintiff/landlord demands judgment for possession against the tenant(s) listed above, together with costs.

DATED: _____

_____
(Signature of Filing Attorney or Landlord Pro Se)

_____
(Printed or Typed Name of Attorney or Landlord Pro Se)

LANDLORD VERIFICATION

1. I certify that I am the ___ landlord, ___general partner of the partnership, or ___ authorized officer of a corporation or limited liability company that owns the premises in which tenant(s) reside(s).

2. I have read the verified complaint and the information contained in it is true and based on my personal knowledge.

3. The matter in controversy is not the subject of any other court action or arbitration proceeding now pending or contemplated and no other parties should be joined in this action except (list exceptions or indicate none): _____.

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

DATED: _____

_____
(Signature of Landlord, Partner or Officer)

_____
(Printed Name of Landlord, Partner or Officer

[Note: Adopted as Appendix XI-X July 9, 2008 to be effective September 1, 2008.]

Appendix XII-B1

CIVIL CASE INFORMATION STATEMENT

(CIS)

Use for initial Law Division
Civil Part pleadings (not motions) under Rule 4:5-1

Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or if attorney's signature is not affixed.

FOR USE BY CLERK'S OFFICE ONLY
PAYMENT TYPE: CK CG CA
CHG/CK NO.
AMOUNT:
OVERPAYMENT:
BATCH NUMBER:

ATTORNEY/PRO SE NAME	TELEPHONE NUMBER ( )	COUNTY OF VENUE
FIRM NAME (If applicable)		DOCKET NUMBER (When available)
OFFICE ADDRESS		DOCUMENT TYPE
		JURY DEMAND ☐ YES ☐ NO
NAME OF PARTY (e.g., John Doe, Plaintiff)	CAPTION	
CASE TYPE NUMBER (See reverse side for listing)	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☐ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? ☐ YES ☐ NO	IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ☐ NO	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN ☐ NONE ☐ UNKNOWN	

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☐ YES ☐ NO	IF YES, IS THAT RELATIONSHIP ☐ EMPLOYER-EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY?	☐ YES ☐ NO

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION:

DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ YES ☐ NO	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION:
WILL AN INTERPRETER BE NEEDED? ☐ YES ☐ NO	IF YES, FOR WHAT LANGUAGE:

ATTORNEY SIGNATURE

SIDE 2

CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule* 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I — 150 days' discovery

151 NAME CHANGE
175 FORFEITURE
302 TENANCY
399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
502 BOOK ACCOUNT (debt collection matters only)
505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
506 PIP COVERAGE
510 UM or UIM CLAIM
511 ACTION ON NEGOTIABLE INSTRUMENT
512 LEMON LAW
801 SUMMARY ACTION
802 OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)
999 OTHER (Briefly describe nature of action)

Track II — 300 days' discovery

305 CONSTRUCTION
509 EMPLOYMENT (other than CEPA or LAD)
599 CONTRACT/COMMERCIAL TRANSACTION
603 AUTO NEGLIGENCE – PERSONAL INJURY
605 PERSONAL INJURY
610 AUTO NEGLIGENCE – PROPERTY DAMAGE
699 TORT – OTHER

Track III — 450 days' discovery

005 CIVIL RIGHTS
301 CONDEMNATION
602 ASSAULT AND BATTERY
604 MEDICAL MALPRACTICE
606 PRODUCT LIABILITY
607 PROFESSIONAL MALPRACTICE
608 TOXIC TORT
609 DEFAMATION
616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
617 INVERSE CONDEMNATION
618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV — Active Case Management by Individual Judge / 450 days' discovery

156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
303 MT. LAUREL
508 COMPLEX COMMERCIAL
513 COMPLEX CONSTRUCTION
514 INSURANCE FRAUD
701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Mass Tort (Track IV)

241 TOBACCO
248 CIBA GEIGY
266 HORMONE REPLACEMENT THERAPY (HRT)
271 ACCUTANE
272 BEXTRA/CELEBREX
274 RISPERDAL/SEROQUEL/ZYPREXA
275 ORTHO EVRA
276 DEPO-PROVERA
277 MAHWAH TOXIC DUMP
278 ZOMETA/AREDIA
601 ASBESTOS
619 VIOXX

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category:

☐ Verbal Threshold ☐ Putative Class Action ☐ Title 59

Appendix XII-B2

FORECLOSURE
CASE INFORMATION STATEMENT
(FCIS)

Use for initial Chancery Division — General Equity foreclosure pleadings (not motions) under Rule 4:5-1.

Pleading will be rejected for filing, under Rule 1:5-6(c), if information is not furnished or if attorney's signature is not affixed.

FOR USE BY CLERK'S OFFICE ONLY
PAYMENT TYPE: CK CG CA
CHG/CK NO.
AMOUNT:
OVERPAYMENT:
BATCH NUMBER:

CAPTION	COUNTY OF VENUE
	NAME OF FILING PARTY (*e.g.*, John Doe, Plaintiff)
DOCKET NUMBER (When available) **F-**	DOCUMENT TYPE ☐ COMPLAINT ☐ ANSWER
ATTORNEY/SELF REPRESENTED NAME	TELEPHONE NUMBER ( )
FIRM NAME (If applicable)	ADDRESS

FORECLOSURE CASE TYPE NUMBER ☐ 088 IN PERSONAM TAX FORECLOSURE ☐ 089 IN REM TAX FORECLOSURE ☐ 0RF RESIDENTIAL MORTGAGE FORECLOSURE ☐ 0CF COMMERCIAL MORTGAGE FORECLOSURE ☐ 0CD CONDOMINIUM OR HOMEOWNER'S ASSOCIATION LIEN FORECLOSURE ☐ 091 STRICT FORECLOSURE ☐ OPTIONAL FORECLOSURE PROCEDURE (NO SALE)	DEFENDANT (S) NAMES (i.e., debtors, mortgagors, subordinate mortgages, judgment creditors *et seq.*)
PROPERTY STREET ADDRESS: MUNICIPALITY: COUNTY: MUNICIPAL BLOCK: LOT (S):	MORTGAGE FORECLOSURE TYPE ☐ RESIDENTIAL ☐ COMMERCIAL PURCHASE MONEY MORTGAGE ☐ YES ☐ NO RELATED PENDING CASE ☐ YES ☐ NO IF YES, LIST DOCKET NUMBERS:

ATTORNEY SIGNATURE	PRINT ATTORNEY NAME	DATE

[Note: Adopted as Appendix XII-B2 July 9, 2008 to be effective September 1, 2008.]

Appendix XII-D
WRIT OF EXECUTION

Attorney for Plaintiff
_____

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION

_____ **COUNTY**

_____ Plaintiff

DOCKET NO: _____

Vs

WRIT OF EXECUTION

_____ Defendant

THE STATE OF NEW JERSEY

TO THE SHERIFF OF _____

WHEREAS, on the _____ day of _____ , 20__ judgment was recovered by Plaintiff, _____ in an action in the Superior Court of New Jersey, Law Division, _____ County, against Defendant, for damages of $ _____ and costs of $ _____ ; and

WHEREAS, on _____ , the judgment was entered in the civil docket of the Clerk of the Superior Court, and there remains due thereon $_____.

THEREFORE, WE COMMAND YOU that you satisfy the said Judgment out of the personal property of the said Judgment debtor within your County; and if sufficient personal property cannot be found then out of the real property in your County belonging to the judgment debtor(s) at the time when the judgment was entered or docketed in the office of the Clerk of this Court or at any time thereafter, in whosesoever hands the same may be, and you do not pay the said monies realized by you from such property to _____, Esq., attorney in this action; and that within twenty-four months after the date of its issuance you return this execution and your proceedings thereon to the Clerk of the Superior Court of New Jersey at Trenton.

WE FURTHER COMMAND YOU, that in case of a sale, you make your return of this Writ with your proceedings thereon before this Court and you pay to the Clerk thereof any surplus in your hands within thirty days after the sale.

WITNESS, HONORABLE _____ a Judge of the Superior Court, at _____ this _____ day of _____ , 20__.

_____,CLERK

ENDORSEMENT

Judgment Amount*:	$_____
Additional Costs:	$_____
Interest thereon:	$_____
Credits:	$_____
Sheriff's Fees:	$_____
Sheriff's Commissions:	$_____
TOTAL	$_____

*"Judgment Amount" includes amount of verdict or settlement, plus pre-judgment court costs, plus any applicable statutory attorney's fee.

Post Judgment Interest applied pursuant to CR 4:42-11 [must be] has been calculated as **simple interest**. As required by CR 4:59-1, [explain in detail] attached is the method by which interest has been calculated, taking into account all partial payments made by the defendant.

_____
Attorney for Plaintiff

Dated: _____ , 20__

Note: Form adopted as Appendix XII-D July 27, 2006 to be effective September 1, 2006; amended September 11, 2006 to be effective immediately; amended July 9, 2008 to be effective September 1, 2008.

Appendix XII-E
WRIT OF WAGE EXECUTION

Attorneys for Plaintiff

_____

SUPERIOR COURT OF NEW JERSEY
DIVISION, COUNTY

Plaintiff,

DOCKET NO:

vs.

WRIT OF WAGE EXECUTION

Defendant.

_____

THE STATE OF NEW JERSEY

TO THE SHERIFF OF _____COUNTY

YOU ARE HEREBY COMMANDED that of the weekly earnings which the Defendant _____receives from employer _____ whose address is _____, you take the lesser of (a) the sum of 10% of the gross weekly pay, or (b) 25% of disposable earnings for that week, or (c) the amount by which the designated Defendant's disposable weekly earnings exceed $196.50 per week, pursuant to the Order for Wage Execution entered with this Court on _____, a copy of which is attached hereto and Certification of the Court entered in the sum of $ _____ plus interest and fees until $ _____ plus interest and fees is paid and satisfied, and that you pay weekly to the Plaintiff's duly authorized attorney said amount of reservation of salary.

YOU ARE FURTHER COMMANDED that the employer shall immediately give the designated defendant a copy of this order. The designated defendant may object to the wage execution or apply for a reduction in the amount withheld at any time. To object or apply for a reduction, a written statement of the objection or reasons for a reduction must be filed with the Clerk of the Court and a copy must be sent to the creditor's attorney or directly to the creditor if

there is no attorney. A hearing will be held within seven days after filing the objection or application for a reduction. According to law, no employer may terminate an employee because of a garnishment.

YOU ARE HEREBY FURTHER COMMANDED that upon satisfaction of Plaintiff's damages, costs and interests, plus subsequent costs, or upon termination of the Defendant's salary, you will immediately thereafter return this Writ to the Court with a statement as to the execution annexed.

WITNESS, the Honorable _____, Judge of the Superior Court, this _____day of _____ , 20__ .

_____, CLERK

ENDORSEMENT

Judgment Amount……..……	$
Additional Costs…….	$
Interest thereon…….....	$
Credits……	$
Sheriff's Fees…….	$
Sheriff's Commissions……..	$
TOTAL:	$

Post-Judgment Interest applied pursuant to Rule 4:42-11 [must be] has been calculated as **simple interest**. As required by Rule 4:59-1, [explain in detail] attached is the method by which interest has been calculated, taking into account all partial payments made by the defendant.

_____
Attorney for Plaintiff

Dated: _____ , 20__

Note: Form adopted as Appendix XII-E July 27, 2006 to be effective September 1, 2006; amended July 3, 2007, to be effective July 24, 2007; amended July 2, 2008 to be effective July 24, 2008; amended July 9, 2008 to be effective September 1, 2008.

APPENDIX XII-F

OSC AS ORIGINAL PROCESS – SUMMARY ACTION
PURSUANT TO *R* 4:67-1(A)
FAMILY PART *R*. 5:4-3(b)
SUBMITTED WITH NEW COMPLAINT
FORM CAN ALSO BE FOUND AT
WWW.NJCOURTSONLINE.COM

SUPERIOR COURT OF NEW JERSEY
_____ DIVISION _____ COUNTY
_____ PART

[I*nsert the plaintiff's name*], Plaintiff(s), v. [I*nsert the defendant's name*], Defendant(s).	Docket No.: CIVIL ACTION ORDER TO SHOW CAUSE SUMMARY ACTION

THIS MATTER being brought before the court by _____, attorney for plaintiff, [*insert the plaintiff's name*], seeking relief by way of summary action pursuant to R. 4:67-1(a), based upon the facts set forth in the verified complaint filed herewith; and the court having determined that this matter may be commenced by order to show cause as a summary proceeding pursuant to [*insert the statute or court rule that permits the matter to be brought as a summary action*] and for good cause shown.

IT IS on this _____ day of _____, 20__, *ORDERED* that the defendant(s), [*insert defendant's name(s)*], appear and show cause on the _____day of _____, 20___ before the Superior Court at the _____ County Courthouse in _____, New Jersey at _____ o'clock in the _____ noon, or as soon thereafter as counsel can be heard, why judgment should not be entered for:

A. [*Set forth with specificity the return date relief that the plaintiff is seeking.*];

B. _____;

C. _____;

D. Granting such other relief as the court deems equitable and just.

And it is further ORDERED that:

1. A copy of this order to show cause, verified complaint and all supporting affidavits or certifications submitted in support of this application be served upon the defendant(s), [personally *or alternate: describe form of substituted service*] within ____ days of the date hereof, in accordance with *R*. 4:4-3 and *R*. 4:4-4, this being original process.

2. The plaintiff must file with the court his/her/its proof of service of the pleadings on the defendant(s) no later than three (3) days before the return date.

3. Defendant(s) shall file and serve a written answer, an answering affidavit or a motion returnable on the return date *[Family Part alternate:* appearance or response] to this order to show cause and the relief requested in the verified complaint and proof of service of the same by _____, 20__. The answer, answering affidavit or a motion [*Family Part alternate:* appearance, response], as the case may be, must be filed with the Clerk of the Superior Court in the county listed above and a copy of the papers must be sent directly to the chambers of Judge _____.

4. The plaintiff must file and serve any written reply to the defendant's order to show cause opposition by _____, 20__. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of Judge _____.

5. If the defendant(s) do/does not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the plaintiff files a proof of service and a proposed form of order at least three days prior to the return date.

6. If the plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.

7. Defendant(s) take notice that the plaintiff has filed a lawsuit [*Family Part alternate:* divorce action] against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer, an answering affidavit or a motion returnable on the return date to the order to show cause [*Family Part*

alternate: appearance or response] and proof of service before the return date of the order to show cause.

These documents must be fled with the Clerk of the Superior Court in the county listed above. A list of these offices is provided. Include a $ _____ filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your answer, answering affidavit or motion [*Family Part alternate*: appearance or response] to the plaintiff's attorney whose name and address appear above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your answer, answering affidavit or motion [*Family Part alternate*: appearance or response] with the fee or judgment may be entered against you by default.

8. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

9. The Court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than _____ days before the return date.

_____

J.S.C.

[Note: Adopted as Appendix XII-F July 9, 2008 to be effective September 1, 2008.]

ATLANTIC COUNTY:
Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY:
Deputy Clerk of the Superior Court
Case Processing Section, Room 119
Justice Center, 10 Main St.
Hackensack, NJ 07601-0769

LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY:
Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(609) 261-1088

CAMDEN COUNTY:
Deputy Clerk of the Superior Court
Civil Processing Office
1st Fl., Hall of Records
101 S. Fifth St.
Camden, NJ 08103

LAWYER REFERRAL
(856) 964-4520
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY:
Deputy Clerk of the Superior Court
9 N. Main Street
Box DN-209
Cape May Court House, NJ 08210

LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 465-3001

CUMBERLAND COUNTY:
Deputy Clerk of the Superior Court
Civil Case Management Office
Broad & Fayette Sts., P.O. Box 615
Bridgeton, NJ 08302

LAWYER REFERRAL
(856) 692-6207
LEGAL SERVICES
(856) 451-0003

ESSEX COUNTY:
Deputy Clerk of the Superior Court
50 West Market Street
Room 131
Newark, NJ 07102

LAWYER REFERRAL
(973) 622-6207
LEGAL SERVICES
(973) 624-4500

GLOUCESTER COUNTY:
Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House
1 North Broad Street, P.O. Box 129
Woodbury, NJ 08096

LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5360

HUDSON COUNTY: Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House-- 1st Floor
583 Newark Ave.
Jersey City, NJ 07306

LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY:
Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822

LAWYER REFERRAL
(908) 735-2611
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:
Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650

LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY:
Deputy Clerk of the Superior Court
Administration Building
Third Floor
1 Kennedy Sq., P.O. Box 2633
New Brunswick, NJ 08903-2633

LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

MONMOUTH COUNTY:
Deputy Clerk of the Superior Court
Court House
71 Monument Park
P.O. Box 1269
Freehold, NJ 07728-1269

LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY:
Deputy Clerk of the Superior Court
Civil Division
30 Schuyler Pl., P.O. Box 910
Morristown, NJ 07960-0910

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

OCEAN COUNTY:
Deputy Clerk of the Superior Court
Court House, Room 119
118 Washington Street
Toms River, NJ 08754

LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY:
Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton St.
Paterson, NJ 07505

LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 345-7171

SALEM COUNTY:
Deputy Clerk of the Superior Court
92 Market St., P.O. Box 18
Salem, NJ 08079

LAWYER REFERRAL
(856) 935-5628
LEGAL SERVICES
(856) 451-0003

SOMERSET COUNTY:
Deputy Clerk of the Superior Court
Civil Division Office
New Court House, 3rd Fl.
P.O. Box 3000
Somerville, NJ 08876

LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY:
Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 383-7400

UNION COUNTY:
Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY:
Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 475-2010

APPENDIX XII-G

OTSC AS ORIGINAL PROCESS –
SUBMITTED WITH NEW COMPLAINT
PRELIMINARY INJUNCTIVE RELIEF
PURSUANT TO RULE 4:52-1 – NO TRO
FORM CAN ALSO BE FOUND AT
WWW.NJCOURTSONLINE.COM

SUPERIOR COURT OF NEW JERSEY
_____ Division _____ County

_____ PART

[*Insert the plaintiff's name*], Plaintiff(s), v. [*Insert the defendant's name*], Defendant(s).	Docket No.: CIVIL ACTION ORDER TO SHOW CAUSE PRELIMINARY INJUNCTION PURSUANT TO RULE 4:52

THIS MATTER being brought before the court by _____, attorney for plaintiff, [*insert the plaintiff's name*], seeking relief by way of preliminary injunction at the return date set forth below pursuant to R. 4:52, based upon the facts set forth in the verified complaint filed herewith and for good cause shown.

It is on this ____ day of _____ *ORDERED* that defendant(s), [*insert the defendant's name*], appear and show cause before the Superior Court at the _____ County Courthouse in _____, New Jersey at _____ o'clock in the _____ noon or as soon thereafter as counsel can be heard, on the _____day of _____, 20 __ why an order should not be issued preliminarily enjoining and restraining [*insert the defendant's name*] from

A. [*Set forth with specificity the return date relief that the plaintiff is seeking.*];

B. _____;

C. _____;

D. Granting such other relief as the court deems equitable and just.

And it is further ORDERED that:

1. A copy of this order to show cause, verified complaint, legal memorandum and any supporting affidavits or certifications submitted in support of this application be served upon the defendant(s) [personally *or alternate: describe form of substituted service*] within ____ days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.

2. The plaintiff must file with the court his/her/its proof of service of the pleadings on the defendant no later than three (3) days before the return date.

3. Defendant(s) shall file and serve a written response to this order to show cause and the request for entry of injunctive relief and proof of service by _____, 20__. The original documents must be filed with the clerk of the Superior Court in the county listed above. A list of these offices is provided. You must send a copy of your opposition papers directly to Judge _____, whose address is _____, New Jersey. You must also send a copy of your opposition papers to the plaintiff's attorney whose name and address appears above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file your opposition and pay the required fee of $ _____ and serve your opposition on your adversary, if you want the court to hear your opposition to the injunctive relief the plaintiff is seeking.

4. The plaintiff must file and serve any written reply to the defendant's order to show cause opposition by _____, 20__. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of Judge _____.

5. If the defendant does not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the plaintiff files a proof of service and a proposed form of order at least three days prior to the return date.

6. If the plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.

7. Defendant take notice that the plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer to the complaint and proof of service within 35 days from the day of service of this order to show cause; not counting the day you received it.

These documents must be fled with the Clerk of the Superior Court in the county listed above. A list of these offices is provided. Include a $_____ filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your Answer to the plaintiff's attorney whose name and address appear above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your Answer (with the fee) or judgment may be entered against you by default. Please note: Opposition to the order to show cause is not an Answer and you must file both. Please note further: if you do not file and serve an Answer within 35 days of this Order, the court may enter a default against you for the relief plaintiff demands.

8. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

9. The court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than _____ days before the return date.

_____

J.S.C.

[Note: Adopted as Appendix XII-G July 9, 2008 to be effective September 1, 2008.]

ATLANTIC COUNTY:
Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY:
Deputy Clerk of the Superior Court
Case Processing Section, Room 119
Justice Center, 10 Main St.
Hackensack, NJ 07601-0769

LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY:
Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(609) 261-1088

CAMDEN COUNTY:
Deputy Clerk of the Superior Court
Civil Processing Office
1st Fl., Hall of Records
101 S. Fifth St.
Camden, NJ 08103

LAWYER REFERRAL
(856) 964-4520
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY:
Deputy Clerk of the Superior Court
9 N. Main Street
Box DN-209
Cape May Court House, NJ 08210

LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 465-3001

CUMBERLAND COUNTY:
Deputy Clerk of the Superior Court
Civil Case Management Office
Broad & Fayette Sts., P.O. Box 615
Bridgeton, NJ 08302

LAWYER REFERRAL
(856) 692-6207
LEGAL SERVICES
(856) 451-0003

ESSEX COUNTY:
Deputy Clerk of the Superior Court
50 West Market Street
Room 131
Newark, NJ 07102

LAWYER REFERRAL
(973) 622-6207
LEGAL SERVICES
(973) 624-4500

GLOUCESTER COUNTY:
Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House
1 North Broad Street, P.O. Box 129
Woodbury, NJ 08096

LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5360

HUDSON COUNTY: Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House-- 1st Floor
583 Newark Ave.
Jersey City, NJ 07306

LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY:
Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822

LAWYER REFERRAL
(908) 735-2611
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:
Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650

LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY:
Deputy Clerk of the Superior Court
Administration Building
Third Floor
1 Kennedy Sq., P.O. Box 2633
New Brunswick, NJ 08903-2633

LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

MONMOUTH COUNTY:
Deputy Clerk of the Superior Court
Court House
71 Monument Park
P.O. Box 1269
Freehold, NJ 07728-1269

LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY:
Deputy Clerk of the Superior Court
Civil Division
30 Schuyler Pl., P.O. Box 910
Morristown, NJ 07960-0910

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

OCEAN COUNTY:
Deputy Clerk of the Superior Court
Court House, Room 119
118 Washington Street
Toms River, NJ 08754

LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY:
Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton St.
Paterson, NJ 07505

LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 345-7171

SALEM COUNTY:
Deputy Clerk of the Superior Court
92 Market St., P.O. Box 18
Salem, NJ 08079

LAWYER REFERRAL
(856) 935-5628
LEGAL SERVICES
(856) 451-0003

SOMERSET COUNTY:
Deputy Clerk of the Superior Court
Civil Division Office
New Court House, 3rd Fl.
P.O. Box 3000
Somerville, NJ 08876

LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY:
Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 383-7400

UNION COUNTY:
Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY:
Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 475-2010

APPENDIX XII-H

OSC AS ORIGINAL PROCESS –
SUBMITTED WITH NEW COMPLAINT
PRELIMINARY INJUNCTIVE RELIEF AND
TEMPORARY RESTRAINING ORDER

PURSUANT TO RULE 4:52

FORM CAN ALSO BE FOUND AT
WWW.NJCOURTSONLINE.COM

SUPERIOR COURT OF NEW JERSEY
_____ DIVISION _____ COUNTY
_____ PART

[*Insert the plaintiff's name*] Plaintiff(s), v. [*Insert the defendant's name*] Defendant(s).	Docket No.: CIVIL ACTION ORDER TO SHOW CAUSE WITH TEMPORARY RESTRAINTS PURSUANT TO RULE 4:52

THIS MATTER being brought before the court by _____, attorney for plaintiff, [*insert the plaintiff's name*], seeking relief by way of temporary restraints pursuant to *R.* 4:52, based upon the facts set forth in the verified complaint filed herewith; and it appearing that [the defendant has notice of this application] *or* [defendant consent's to plaintiff's application] *or* [immediate and irreparable damage will probably result before notice can be given and a hearing held] and for good cause shown.

It is on this ____ day of _____ *ORDERED* that defendant, [*insert the defendant's name*], appear and show cause before the Superior Court at the _____ County Courthouse in _____, New Jersey at _____ o'clock in the _____ noon or as soon thereafter as counsel can be heard, on the _____day of _____, 20 __ why an order should not be issued preliminarily enjoining and restraining defendant, [*insert the defendant's name*], from

A. [*Set forth with specificity the return date relief that the plaintiff is seeking.*];

B. _____;

C. _____;

D. Granting such other relief as the court deems equitable and just.

And it is further *ORDERED* that pending the return date herein, the defendant is [*temporarily*] enjoined and restrained from:

A. [S*et forth with specificity the temporary restraints that the plaintiff is seeking.*];

B. _____;

C. _____.

And it is further *ORDERED* that:

1. The defendant may move to dissolve or modify the temporary restraints herein contained on two (2) days notice to the [plaintiff's attorney *or alternate:* plaintiff].

2. A copy of this order to show cause, verified complaint, legal memorandum and any supporting affidavits or certifications submitted in support of this application be served upon the defendant [personally *or alternate: describe form of substituted service*] within ____ days of the date hereof, in accordance with *R.* 4:4-3 and *R.* 4:4-4, this being original process.

3. The plaintiff must file with the court his/her/its proof of service of the pleadings on the defendant no later than three (3) days before the return date.

4. Defendant shall file and serve a written response to this order to show cause and the request for entry of injunctive relief and proof of service by _____, 20__. The original documents must be filed with the Clerk of the Superior Court in the county listed above. A list of these offices is provided. You must send a copy of your opposition papers directly to Judge _____, whose address is _____, New Jersey. You must also send a copy of your opposition papers to the plaintiff's attorney whose name and address appears above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file your opposition and pay the required fee of $ _____ and serve your opposition on your adversary, if you want the court to hear your opposition to the injunctive relief the plaintiff is seeking.

5. The plaintiff must file and serve any written reply to the defendant's order to show cause opposition by _____, 20__. The reply papers must be filed

with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of Judge _____.

6. If the defendant does not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the plaintiff files a proof of service and a proposed form of order at least three days prior to the return date.

7. If the plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.

8. Defendant take notice that the plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer to the complaint and proof of service within 35 days from the date of service of this order to show cause; not counting the day you received it.

These documents must be fled with the Clerk of the Superior Court in the county listed above. A list of these offices is provided. Include a $_____ filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your Answer to the plaintiff's attorney whose name and address appear above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your Answer (with the fee) or judgment may be entered against you by default. Please note: Opposition to the order to show cause is not an Answer and you must file both. Please note further: if you do not file and serve an Answer within 35 days of this Order, the Court may enter a default against you for the relief plaintiff demands.

9. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

10. The court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than ___ days before the return date.

_____
J.S.C.

[Note: Adopted as Appendix XII-H July 9, 2008 to be effective September 1, 2008.]

ATLANTIC COUNTY:
Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL
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LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY:
Deputy Clerk of the Superior Court
Case Processing Section, Room 119
Justice Center, 10 Main St.
Hackensack, NJ 07601-0769

LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY:
Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(609) 261-1088

CAMDEN COUNTY:
Deputy Clerk of the Superior Court
Civil Processing Office
1st Fl., Hall of Records
101 S. Fifth St.
Camden, NJ 08103

LAWYER REFERRAL
(856) 964-4520
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY:
Deputy Clerk of the Superior Court
9 N. Main Street
Box DN-209
Cape May Court House, NJ 08210

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CUMBERLAND COUNTY:
Deputy Clerk of the Superior Court
Civil Case Management Office
Broad & Fayette Sts., P.O. Box 615
Bridgeton, NJ 08302

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Deputy Clerk of the Superior Court
50 West Market Street
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HUDSON COUNTY: Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House-- 1st Floor
583 Newark Ave.
Jersey City, NJ 07306

LAWYER REFERRAL
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LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY:
Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822

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(908) 782-7979

MERCER COUNTY:
Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650

LAWYER REFERRAL
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LEGAL SERVICES
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MIDDLESEX COUNTY:
Deputy Clerk of the Superior Court
Administration Building
Third Floor
1 Kennedy Sq., P.O. Box 2633
New Brunswick, NJ 08903-2633

LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

MONMOUTH COUNTY:
Deputy Clerk of the Superior Court
Court House
71 Monument Park
P.O. Box 1269
Freehold, NJ 07728-1269

LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY:
Deputy Clerk of the Superior Court
Civil Division
30 Schuyler Pl., P.O. Box 910
Morristown, NJ 07960-0910

LAWYER REFERRAL
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LEGAL SERVICES
(973) 285-6911

OCEAN COUNTY:
Deputy Clerk of the Superior Court
Court House, Room 119
118 Washington Street
Toms River, NJ 08754

LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY:
Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton St.
Paterson, NJ 07505

LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 345-7171

SALEM COUNTY:
Deputy Clerk of the Superior Court
92 Market St., P.O. Box 18
Salem, NJ 08079

LAWYER REFERRAL
(856) 935-5628
LEGAL SERVICES
(856) 451-0003

SOMERSET COUNTY:
Deputy Clerk of the Superior Court
Civil Division Office
New Court House, 3rd Fl.
P.O. Box 3000
Somerville, NJ 08876

LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY:
Deputy Clerk of the Superior Court
Sussex County Judicial Center
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Newton, NJ 07860

LAWYER REFERRAL
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LEGAL SERVICES
(973) 383-7400

UNION COUNTY:
Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY:
Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 475-2010

Appendix XII-I

OSC AS ORIGINAL PROCESS – SUMMARY ACTION
PURSUANT TO *R.* 4:67-1
PROBATE PART *R.* 4:83-1
SUBMITTED WITH NEW COMPLAINT

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION _____
COUNTY
PROBATE PART

[Caption: See Rule 4:83-3 for Probate Part Actions]

IN THE MATTER OF

Docket No.:

CIVIL ACTION

ORDER TO SHOW CAUSE
SUMMARY ACTION

THIS MATTER being brought before the court by _____, attorney for plaintiff, [*insert the plaintiff's name*], seeking relief by way of summary action based upon the facts set forth in the verified complaint filed herewith; and the Court having determined that this matter may be commenced by order to show cause as a summary proceeding pursuant to R.4:83-1 and for good cause shown.

IT IS on this _____ day of _____ , 20__ , *ORDERED* that the parties in interest named in paragraph __ of the verified complaint appear and show cause on the _____ day of _____, 20__ before the Superior Court, Chancery Division, Probate Part [*and fill in, or leave an appropriate blank to be filled in by the Court or Surrogate, if the matter is to be heard by a specified Judge*] at the _____ County Courthouse [*provide the address*] in _____, New Jersey at _____ o'clock in the _____ noon, or as soon thereafter as counsel can be heard, why judgment should not be entered for:

A. [*Set forth with specificity the return date relief that the plaintiff is seeking*.];

B. _____;

C. _____;

D. Granting such other relief as the court deems equitable and just.

And it is further ORDERED that:

1. Any party in interest who wishes to be heard with respect to any of the relief requested in the verified complaint served with this order to show cause shall file with the Surrogate of _____ County and serve upon the attorney for the plaintiff at the address set forth above, a written answer, an answering affidavit, a motion returnable on the date this matter is scheduled to be heard, or other response to this order to show cause and to the relief requested in the verified complaint by _____, 20___. Filing shall be made with the Surrogate of _____ County at [*insert address of Surrogate in the County where action is being brought*)]. Such responding party in interest shall also file with such Surrogate by the foregoing date a proof of service upon the plaintiff. [A copy of such response shall also be filed directly with the chambers of Judge _____ at the following address: _____.]

2. Any party in interest who fails to timely file and serve a response in the manner provided in paragraph 1 of this order to show cause shall be deemed in default, the matter may proceed to judgment without any further notice to or participation by such defaulting party in interest, and the judgment shall be binding upon such defaulting party in interest.

3. Parties in interest are hereby advised that a telephone call to the plaintiff, to the plaintiff's attorney, to the Surrogate, or to the court will not protect your rights; you must file and serve your answer, answering affidavit, motion or other response with the filing fee required by statute. The check or money order for the filing fee shall be made payable to the Surrogate of the County where this matter is being heard. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. A list of these offices is provided. If you do not have an attorney or are not eligible for free legal assistance through the Legal Services office (or such office does not provide services for this particular type of proceeding), you may

obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these office numbers is also provided.

4. If no party in interest timely files and serves a response to this order to show cause as provided for above, the application may be decided by the court on or after the date this matter is scheduled to be heard, and may be decided on the papers without a hearing, provided that the plaintiff has filed a proof of service and a proposed form of judgment as required by paragraphs 7 and 9 of this order to show cause.

5. If a party in interest timely files a response as provided for above, the court may entertain argument [*add if appropriate:* "and may take testimony" *or* "but will not take testimony"] on the date this matter is scheduled to be heard.

6. The plaintiff must file and serve any written reply to the response of a party in interest by _____, 20__. The reply papers together with a proof of service must be filed with the Surrogate in the county listed above [and a copy of the reply papers must be sent directly to the chambers of Judge _____].

7. Plaintiff shall submit to the Surrogate an original and two copies of a proposed form of judgment addressing the relief sought on the date this matter is scheduled to be heard (along with a postage-paid return envelope) no later than _____ (__) days before the date this matter is scheduled to be heard.

8. A copy of this order to show cause, the verified complaint, and [*insert a description of any other filed papers, such as an accounting*], and all affidavits submitted in support of this application, all of which shall be certified thereon by plaintiff's attorney to be true copies, shall be served upon the parties in interest listed in paragraph __ of the complaint, by certified mail, return receipt requested (or by registered mail, return receipt requested with respect to any party in interest who resides outside the United States) [, and by regular mail] [*or alternatively*: shall be personally served upon the parties in interest listed in paragraph __ of the complaint] within __ days of the date hereof, in accordance with *R.* 4:67-3, *R.* 4:4-3 and *R.* 4:4-4, this order to show cause being original process.

9. The plaintiff shall file with the Surrogate of _____ County a proof of service of the documents required by paragraph 8 above to be served on the

parties in interest no later than _____ (__) days before the date this matter is scheduled to be heard.

10. The court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than _____ days before the return date.

11. [*In many proceedings in the probate part, an interested party will be a minor or incapacitated, which will require that a guardian ad litem be appointed, and/or an attorney be appointed as counsel to represent the minor or incapacitated person. See generally R.4:26-2. In such matters, it may be appropriate to add an additional paragraph or paragraphs to this order to show cause to appoint, or provide for the procedure to appoint, such counsel or guardian ad litem.*]

_____

J.S.C.

[Note: Adopted as Appendix XII-I July 9, 2008 to be effective September 1, 2008.]

Atlantic County Surrogate Atlantic County Civil Courthouse 1201 Bacharach Blvd. Atlantic City, NJ 08401	ATLANTIC COUNTY: LAWYER REFERRAL: (609) 345-3444 LEGAL SERVICES: (609) 348-4200
Bergen County Surrogate Bergen County Justice Center 10 Main Street, Room 211, P.O. Box 600, Hackensack, NJ 07601-7691	BERGEN COUNTY: LAWYER REFERRAL (201) 488-0044 LEGAL SERVICES (201) 487-2166
Burlington County Surrogate Burlington County Court Complex 49 Rancocas Road, 1st floor PO Box 6000, Mt. Holly, NJ 08060-1827	BURLINGTON COUNTY: LAWYER REFERRAL (609) 261-4862 LEGAL SERVICES (800) 496-4570
Camden County Surrogate Camden County Surrogate Office 415 Federal Street, Camden, NJ 08103-1122	CAMDEN COUNTY: LAWYER REFERRAL: (856) 964-4520 LEGAL SERVICES: (856) 964-2010
Cape May County Surrogate 4 Moore Rd., POB 207 Cape May Court House, NJ 08210	CAPE MAY COUNTY: LAWYER REFERRAL: (609) 463-0313 LEGAL SERVICES :(609) 465-3001
Cumberland County Surrogate Cumberland County Courthouse 60 West Broad Street, Suite A111 Bridgeton, NJ 08302	CUMBERLAND COUNTY: LAWYER REFERRAL: (856) 692-6207 LEGAL SERVICES: (856) 451-0003
Essex County Surrogate 206 Hall of Records 465 Dr. Martin Luther King, Jr. Blvd., Newark, NJ 07102	ESSEX COUNTY: LAWYER REFERRAL: (973) 622-6207 LEGAL SERVICES: (973) 624-4500
Gloucester County Surrogate Surrogate Building 17 North Broad Street, 1st flr. P.O. Box 177, Woodbury, NJ 08096-7177	GLOUCESTER COUNTY: LAWYER REFERRAL: (856) 848-4589 LEGAL SERVICES: (856) 848-5360
Hudson County Surrogate Administration Bldg. 595 Newark Ave., Room 107 Jersey City, NJ 07306	HUDSON COUNTY: LAWYER REFERRAL: (201) 798-2727 LEGAL SERVICES: (201) 792-6363
Hunterdon County Surrogate Hunterdon County Justice Center 65 Park Avenue P.O. Box 2900, Flemington, NJ 08822-2900	HUNTERDON COUNTY: LAWYER REFERRAL: (908) 263-6109 LEGAL SERVICES: (908) 782-7979
Mercer County Surrogate Mercer County Courthouse 175 So. Broad Street P.O. Box 8068,Trenton, NJ 08650-0068	MERCER COUNTY: LAWYER REFERRAL: (609) 585-6200 LEGAL SERVICES: (609) 695-6249
Middlesex County Surrogate Administration Building 75 Bayard Street, PO Box 790 New Brunswick, NJ 08903-0790	MIDDLESEX COUNTY: LAWYER REFERRAL: (732) 828-0053 LEGAL SERVICES: (732) 249-7600
Monmouth County Surrogate Hall of Records 1 East Main Street P.O. Box 1265, Freehold, NJ 07728-1265	MONMOUTH COUNTY: LAWYER REFERRAL: (732) 431-5544 LEGAL SERVICES: (732) 866-0020
Morris County Surrogate Administrative & Records Bldg, 5th Fl. Court Street P.O. Box 900 Morristown, NJ 07963-0900	MORRIS COUNTY: LAWYER REFERRAL: (973) 267-5882 LEGAL SERVICES: (973) 285-6911

Ocean County Surrogate Ocean County Courthouse 118 Washington Street P.O. Box 2191 , Toms River, NJ 08754-2191	OCEAN COUNTY: LAWYER REFERRAL: (732) 240-3666 LEGAL SERVICES: (732) 341-2727
Passaic County Surrogate Passaic County Courthouse 77 Hamilton Street Paterson, NJ 07505	PASSAIC COUNTY: LAWYER REFERRAL: (973) 278-9223 LEGAL SERVICES: (973) 523-2900
Salem County Surrogate Salem County Surrogate's Court 92 Market Street Salem, NJ 08079	SALEM COUNTY: LAWYER REFERRAL: (856) 678-8363 LEGAL SERVICES: (856) 451-0003
Somerset County Surrogate Somerset Co. Surrogate's Office 20 Grove Street P.O. Box 3000, Somerville, NJ 08876	SOMERSET COUNTY: LAWYER REFERRAL: (908) 685-2323 LEGAL SERVICES: (908) 231-0840
Sussex County Surrogate Sussex County Surrogate's Court 4 Park Place, 2nd flr., Newton, NJ 07860	SUSSEX COUNTY: LAWYER REFERRAL: (973) 267-5882 LEGAL SERVICES: (973) 383-7400
Union County Surrogate Union County Courthouse 2 Broad Street, 2nd flr. Elizabeth, NJ 07207-6001	UNION COUNTY: LAWYER REFERRAL: (908) 353-4715 LEGAL SERVICES: (908) 354-4340
Warren County Surrogate Warren County Courthouse 413 Second Street Belvidere, NJ 07823-1500	WARREN COUNTY: LAWYER REFERRAL: (908) 387-1835 LEGAL SERVICES: (908) 475-2010

Appendix XII-J

AMOUNT DUE SCHEDULE

NOTE AND MORTGAGE DATED _____
Recorded on _____, in _____ County, in Book ____ at Page _____
Property Address: _____
Mortgage Holder: _____

STATEMENT OF AMOUNT DUE:

Unpaid Principal Balance as of _____ $ _____

Interest from _____ to _____ $ _____

(Interest rate = _____% per year; $ _____ per day x _____days)

Late Charges from _____ to _____

($ _____/mo. x _____ mos.) $ _____

Advances through _____ for:

Real Estate Taxes	$ _____	
Home Owners Insurance Premiums	$ _____	
Mortgage Insurance Premium	$ _____	
Inspections	$ _____	
Winterizing/Securing	$ _____	
Sub-Total of Advances	$ _____	
Less Escrow Monies	($_____)	
Net Advances	$ _____	$ _____

Interest on advances from _____ to _____ $ _____

Other charges (specify) $_____

TOTAL DUE AS OF _____ $ _____

Surplus Money: If after the sale and satisfaction of the mortgage debt, including costs and expenses, there remains any surplus money, the money will be deposited into the Superior Court Trust Fund and any person claiming the surplus, or any part thereof, may file a motion pursuant to Court Rules 4:64-3 and 4:57-2 stating the nature and extent of that person's claim and asking for an order directing payment of the surplus money. The Sheriff or other person conducting the sale will have information regarding the surplus, if any.

/s/ _____

Type or Print Lender's or Servicing Agent's Employee's Name

Date: [*insert date*]

[Note: Adopted as Appendix XII-J July 9, 2008 to be effective September 1, 2008.]

RPC 1.11. Successive Government and Private Employment

(a) … no change

(b) … no change

(c) In the event a lawyer is disqualified under (a) or (b), the lawyer may not represent a private client, but absent contrary law a firm with which that lawyer is associated may undertake or continue representation if:

(1) the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom, and

(2) written notice is given promptly to the appropriate government agency to enable it to ascertain compliance with the provisions of this Rule.

(d) … no change

(e) … no change

Note: Adopted July 12, 1984 to be effective September 10, 1984; paragraph (a) amended, text of paragraph (b) deleted and new text adopted, new paragraph (c) adopted, former paragraphs (c) and (d) amended and redesignated as paragraphs (d) and (e), and former paragraph (e) merged into redesignated paragraph (e) November 17, 2003 to be effective January 1, 2004; paragraph (c) amended July 9, 2008 to be effective September 1, 2008.

Comment by Court (Regarding 2008 Amendment). In In re ACPE Opinion 705, 192 N.J. 46 (2007), the Court deferred to the Legislature in the spirit of comity and held that the post-government employment restrictions imposed by the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-17, apply in the context of former State attorneys. The 2008 amendment to paragraph (c) implements that decision.