

NOTICE TO THE BAR

AMENDMENTS TO “TENANCY SUMMONS & RETURN OF SERVICE” (RULES APPENDIX XI-B) AND “EXECUTION AGAINST GOODS AND CHATTELS” (RULES APPENDIX XI-H)

On July 23, 2010 the Supreme Court approved changes to two Appendices to the Rules of Court that are used in Special Civil Part cases, with those changes to be effective September 1, 2010. The changes are as follows:

1. Appendix XI-B (Tenancy Summons & Return of Service). The Return of Service portion of this form has been modified so as to add a line for the Special Civil Part Officer (“Officer”) to indicate what unsuccessful efforts were made to effectuate personal service of the summons and complaint before those documents were posted on the door of the rental unit or other conspicuous place of the premises. Also, the words “if posted” have been added to the line for the Officer to describe the premises so as to make clear that such description is to be provided only in those situations where the summons and complaint were posted because the Officer was unable to make personal service. The Rules of Court require the plaintiff-landlord to submit a completed summons to the Clerk of the Special Civil Part in the form set forth in Appendix XI-B at the time the complaint is filed.
2. Appendix XI-H (Execution Against Goods and Chattels). The form of the writ of execution against goods and chattels has been modified so as to exclude from levy those funds that are exempt from execution under federal or state law, such as Social Security benefits. The revised writ informs banks and other financial

institutions how to identify those exempt funds. Since the writ is generated by the office of the Special Civil Part Clerk upon request, these amendments do not require any modification of template forms by attorneys who represent judgment-creditors in Special Civil Part cases.

Questions regarding these changes to Rules Appendices XI-B and XI-H may be directed to office of the Special Civil Part Clerk in the county of venue or to the Civil Practice Division of the Administrative Office of the Courts, P.O. Box 981, Trenton, NJ 08102. Copies of the both amended Appendices are included with this Notice.

/s/ Glenn A. Grant

Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: August 17, 2010

**APPENDIX XI-B. TENANCY SUMMONS
AND RETURN OF SERVICE (R. 6:2-1)**

Plaintiff or Plaintiff's Attorney Information:

Name: _____

Address: _____

Phone: (____) _____

Superior Court of New Jersey

Law Division, Special Civil Part

_____ County

(____) _____

_____, **Plaintiff(s)**

versus

_____, **Defendant(s)**

Docket Number: LT - _____

(to be provided by the court)

**Civil Action
SUMMONS
LANDLORD/TENANT**

Defendant Information:

Name: _____

Address: _____

Phone: (____) _____

___ Nonpayment

___ Other

NOTICE TO TENANT: The purpose of the attached complaint is to permanently remove you and your belongings from the premises. If you want the court to hear your side of the case you must appear in court on this date and time: _____ at _____ a.m./p.m., or the court may rule against you. REPORT TO: _____

If you cannot afford to pay for a lawyer, free legal advice may be available by contacting Legal Services at _____. If you can afford to pay a lawyer but do not know one, you may call the Lawyer Referral Services of your local county Bar Association at _____.

You may be eligible for housing assistance. To determine your eligibility, you must immediately contact the welfare agency in your county at _____, telephone number _____.

If you need an interpreter or an accommodation for a disability, you must notify the court immediately.

Si Ud. no tiene dinero para pagar a un abogado, es posible que pueda recibir consejos legales gratuitos si se comunica con Servicios Legales (Legal Services) al _____. Si tiene dinero para pagar a un abogado pero no conoce ninguno puede llamar a Servicios de Recomendación de Abogados (Lawyer Referral Services) del Colegio de Abogados (Bar Association) de su condado local al _____.

Es posible que pueda recibir asistencia con la vivienda si se comunica con la agencia de asistencia publica (welfare agency) de su condado al _____, telefono _____.

Si necesita un interprete o alguna acomodación para un impedimento fisico, tiene que notificárselo inmediatamente al tribunal.

Date: _____

Clerk of the Special Civil Part

COURT OFFICER'S RETURN OF SERVICE (FOR COURT USE ONLY)

Docket Number: _____ Date: _____ Time: _____ WM ___ WF ___ BM ___ BF ___ OTHER _____ HT ___ WT _____ AGE ___ MUSTACHE ___ BEARD ___ GLASSES ___ NAME: _____ RELATIONSHIP: _____
Efforts Made to Personally Serve _____ _____
Description of Premises if Posted _____ _____
I hereby certify the above to be true and accurate: _____ Special Civil Part Officer

Note: Former Appendix XI-B, consisting of model tenancy complaint and summons forms, deleted, and new tenancy summons and return of service form adopted July 12, 2002 to be effective September 3, 2002; amended July 27, 2006 to be effective September 1, 2006; amended July 23, 2010 to be effective September 1, 2010.

APPENDIX XI-H – EXECUTION AGAINST GOODS AND CHATTELS

DOCKET NO.: ____ DC-____-____
JUDGMENT NO.: ____ VJ-____-____
WRIT NUMBER: ____

SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART
_____ COUNTY

STATE OF NEW JERSEY
EXECUTION AGAINST GOODS AND CHATTELS

PLAINTIFF(S)

VS.

DEFENDANT(S)

DEBTORS: _____

ADDRESS OF FIRST DEBTOR:
STREET ADDRESS
CITY NJ ZIP

TO: _____
COURT OFFICER OF THE SPECIAL CIVIL PART

YOU ARE ORDERED to levy on the property of any of the debtors designated herein; your actions may include, but are not limited to, taking into possession any motor vehicle(s) owned by any of the debtors, taking possession of any inventory and/or machinery, cash, bank accounts, jewelry, electronic devices, fur coats, musical instruments, stock certificates, securities, notes, rents, accounts receivable, or any item(s) which may be sold pursuant to statute to satisfy this execution in full or in part. Any levy pursuant to this writ shall exclude (1) all funds in an account of the debtor with a bank or other financial institution, if all deposits into the account during the 90 days immediately prior to service of the writ were electronic deposits, made on a recurring basis, of funds identifiable by the bank or other financial institution as exempt from execution, levy or attachment under New Jersey or federal law, and (2) all funds deposited electronically in an account of the debtor with a bank or other financial institution during the 45 days immediately prior to service of the writ that are identifiable by the bank or other financial institution as exempt from execution, levy or attachment under New Jersey or federal law. All proceeds are to be paid to the court officer who shall pay them to the creditor or the attorney for the creditor, or, if this is not possible, to the court. This order for execution shall be valid for two years from this date.

Local police departments are authorized and requested to provide assistance, if needed, to the officer executing this writ. This does not authorize entry to a residence by force unless specifically directed by court order.

Judgment Date _____
Judgment Amount.....\$ _____
Costs and Atty. Fees\$ _____
Subsequent Costs\$ _____
Total.....\$ _____
Credits, if any\$ _____
Subtotal A.....\$ _____
Interest\$ _____
Execution costs and mileage.....\$ _____
Subtotal B\$ _____
Court officer fee.....\$ _____
Total due this date.....\$ _____

Date: _____

Judge

Clerk of the Special Civil Part

I RETURN this execution to the Court

() Unsatisfied _____

() Satisfied () Partly Satisfied

Amount Collected. . _____

Fee Deducted. _____

Amount Paid to Atty. _____

Date: _____
Property to be Levied
Upon and Location of Same:

CITY ST ZIP

CREDITOR'S ATTORNEY AND ADDRESS:

CITY NJ ZIP
Telephone: ____-_____

Date: _____

Court Officer

Note: Adopted effective January 2, 1989; amended July 13, 1994, effective September 1, 1994; amended July 10, 1998 to be effective September 1, 1998; amended July 12, 2002 to be effective September 3, 2002; amended July 28, 2004 to be effective September 1, 2004; amended July 23, 2010 to be effective September 1, 2010.