NOTICE TO THE BAR

REVISED WAGE AND CHATTEL EXECUTIONS ISSUED BY THE SPECIAL CIVIL PART – APPENDICES XI-H AND XI-J TO THE RULES OF COURT

Attached is the Supreme Court's November 6, 2013 Order amending the chattel and wage execution forms set forth in Appendices XI-H and XI-J to the Rules of Court. These revised versions of the two forms, which are appended to the Court's order, are effective November 25, 2013.

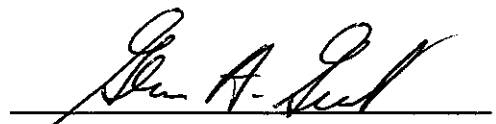
These forms are generated by the Judiciary's Automated Case Management System (ACMS). Up to this point the system has combined the interest and costs that have accrued subsequent to the issuance of a chattel or wage execution in a category labeled "subsequent costs." Although the total amounts due on the executions are accurate, the aggregation of post-execution interest and costs has been a source of confusion for attorneys and their clients. Updates to the AOC's mainframe computer system have enabled the correction of this historical anomaly. In addition to the proper allocation of subsequent interest and costs, the revised execution forms now show the addition of the interest and costs chronologically. This will provide more clarity to attorneys and their clients and to the judgment debtors who are the targets of the executions.

Attorneys should continue to submit a statement of the amount due, when applying for a writ of execution against goods and chattels, or a certification of the amount due, when applying for a wage execution order. In the interest of clarity and uniformity, attorneys should follow two precepts in preparing a statement or certification of the amount due:

(1) If no executions have been issued previously in the case, the statement or certification of the amount due should separately state any interest, credits and costs that have accrued <u>since entry of the judgment</u>.

(2) If an execution has previously been issued in the case, the statement or certification of the amount due should separately state any interest, credits and costs that have accrued <u>since the issuance of the most recent execution</u>.

Questions regarding this notice or the amended forms may be directed to the AOC's Civil Practice Division at 609-292-8470.



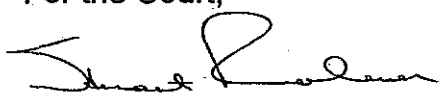
Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: November 15, 2013

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached revisions to Appendix XI-H ("Execution Against Goods and Chattels"), and Appendix XI-J ("Wage Execution") of the Rules Governing the Courts of the State of New Jersey are adopted to become effective November 25, 2013.

For the Court,



Chief Justice

Dated: November 6, 2013

APPENDIX XI-H EXECUTION AGAINST GOODS AND CHATTELS

DOCKET NO.: ___ DC-_____-__
JUDGMENT NO.: ___ VJ-_____-__
WRIT NUMBER: ___ ISSUED _____
EXPIRATION DATE: _____
AMENDED: _____

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 two months immediately prior to the account review undertaken by the bank or other financial institution in response to 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 writ of execution shall EXPIRE on _____.

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 Award ..... $_____
Court Costs & Statutory Atty. Fees ..... $_____
Total Judgment Amount ..... $_____
Interest From Prior Writs ..... $_____
Costs From Prior Writs ..... $_____
Subtotal A ..... $_____
Credits From Prior Writs ..... $_____
Subtotal B ..... $_____
New Miscellaneous Costs ..... $_____
New Interest On This Writ ..... $_____
New Credits On This Writ ..... $_____
Execution Fees & Mileage ..... $_____
Subtotal C ..... $_____
Court Officer Fee ..... $_____
Total Due This Date ..... $_____
Date : _____
Property to be Levied
Upon and Location of Same:
_____
_____
CITY_____ ST___ ZIP____

_____
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._____

CREDITOR'S ATTORNEY AND ADDRESS:
_____
_____
CITY NJ ZIP
Telephone: ___-_____

Date: _____

_____
Court Officer

[Note: Adopted January 2, 1989; amended July 13, 1994, effective September 1, 1994; amended July 10, 1998 to be effective September 1, 1998; amended July12, 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; amended May 17, 2011 to be effective immediately; amended November 6, 2013 to be effective November 25, 2013.]

APPENDIX XI-J. WAGE EXECUTION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, SPECIAL CIVIL PART
_____ County Tel. _____

ORDER AND EXECUTION AGAINST EARNINGS
PURSUANT TO 15 U.S.C. 1673 and N.J.S.A. 2A:17-56

Docket No.:_____

Judgment No.: _____
Writ Number : ___ Issued _____

Name and Address of Employer Ordered to Make Deductions:

_____
_____
_____

Plaintiff

vs.

Designated Defendant
(Address)

The employer is ordered to deduct from the earnings which the designated defendant receives and to pay over to the court officer named below, the lesser of the following: (a) 10% of the gross weekly pay; or (b) 25% of disposable earnings for that week; or (c) the amount, if any, by which the designated defendant's disposable weekly earnings exceed $217.50 per week, until the total amount due has been deducted or the complete termination of employment. Upon either of these events, an immediate accounting is to be made to the court officer. Disposable earnings are defined as that portion of the earnings remaining after the deduction from gross earnings of any amounts required by law to be withheld. In the event the disposable earnings so defined are $217.50 or less, no amount shall be withheld under this execution. In no event shall more than 10% of gross salary be withheld.

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 7 days after filing the objection or application for a reduction. According to law, no employer may terminate an employee because of a garnishment.

Judgment Date ..... ____
Judgment Award..... $ ____
Court Costs & Stat Atty. Fees ...$ ____
Total Judgment Amount. .....$ ____
Interest From Prior Writs.... .....$ ____
Costs From Prior Writs..... $ ____
Subtotal A ..... $ ____
Credits From Prior Writs ..... $ ____
Subtotal B ..... $ ____
New Miscellaneous Costs.....$ ____
New Interest On This Writ.. ..... $ ____
New Credits On This Writ.....$ ____
Execution Fees & Mileage..... ..$ ____
Subtotal C .....$ ____
Court Officer Fee..... $ ____
Total due this date ..... $ ____

Date_____

_____
Judge

_____
Jane B. Doe
Clerk of the Special Civil Part

Make payments at least monthly to Court Officer as set forth:

_____
Court Officer

Plaintiff's Attorney and Address:

_____
_____
_____
_____

I RETURN this execution to the Court
( ) Unsatisfied ( ) Satisfied ( ) Partly Satisfied
Amount Collected .....$ ____
Fee Deducted .....$ ____
Amount Due to Atty .....$ ____
Date: _____

_____
Court Officer

HOW TO CALCULATE PROPER GARNISHMENT AMOUNT

(1) Gross Salary per pay period ..... _____

(2) Less:

Amounts Required by Law to be Withheld:

(a) U.S. Income Tax ..... _____

(b) FICA (social security) ..... _____

(c) State Income Tax, ETT, etc..... _____

(d) N.J. SUI ..... _____

(e) Other State or Municipal Withholding..... _____

(f) TOTAL ..... _____ - _____

(3) Equals "disposable earnings" ..... = _____

(4) If salary is paid:

-- weekly, then subtract $217.50

-- every two weeks, then subtract $435.00

-- twice per month, then subtract $471.25

-- monthly, then subtract $942.50

(Federal law prohibits any garnishment when "disposable earnings" are smaller than the amount on line 4) ..... - _____

(5) Equals the amount potentially subject to garnishment (if less than zero, enter zero) ..... = _____

(6) Take "disposable earnings" (Line 3) and multiply by .25:

$_____ x .25 = $_____ ..... _____

(7) Take the gross salary (Line 1) and multiply by .10:

$_____ x .10 = $_____ ..... _____

(8) Compare lines 5, 6, and 7--the amount which may lawfully be deducted is the smallest amount on line 5, line 6, or line 7, i.e., ... _____

Source: 15 U.S.C. 1671 *et seq.*; 29 C.F.*R.* 870; *N.J.S.A.* 2A:17- 50 *et seq.*

[Note: Former Appendix XI-I adopted effective January 2, 1989; amended June 29, 1990, effective September 4, 1990; amended July 14, 1992, effective September 1, 1992; redesignated as Appendix XI-J and amended July 13, 1994, effective September 1, 1994; amended September 27, 1996, effective October 1, 1996; amended July 30, 1997, effective September 1, 1997; amended July 28, 2004 to be effective September 1, 2004; amended July 3, 2007, to be effective July 24, 2007; amended July 2, 2008, to be effective July 24, 2008; amended July 9, 2009 to be effective July 24, 2009; amended November 6, 2013 to be effective November 25, 2013.]