

Service of Post-Judgment Process – Special Civil Part

Directive #6-01
Issued by:

April 23, 2001
Richard J. Williams
Administrative Director

Special Civil Part Officers who serve post-judgment process shall comply with the following procedures:

I. Execution Sales

Special Civil Part Officers should not post execution sale notices unless they intend to actually hold such a sale. Officers shall not threaten to hold a sale of a debtor's personal property when one cannot be held, or when a sale can be held but there is no real intention to do so.

The notices authorized herein should conform substantially to those in Attachments A and B to this Directive. Both notices should contain the seal of the Superior Court. The purpose of these notices is to stimulate the debtor to contact the Special Civil Part Officer to arrange to make payment, without making idle threats.

Neither such notice is a substitute for the Notice to Debtor prescribed by *Rules* 4:59-1(g) and 6:7-1(b), which is served on the debtor and filed with the clerk of the court when the levy is actually made, nor are they a substitute for the notice of sale indicating the time and place of the intended sale that is to be posted in the Sheriff's office pursuant to *N.J.S.A. 2A:17-33*.

II. Communication with Creditors and Creditors' Attorneys

Special Civil Part Officers should notify the judgment creditor or the judgment creditor's attorney when a writ has been received for his/her case. Requests from judgment creditors or their attorneys for information regarding the status of a writ should be responded to within 15 days. Writs should be returned to the clerk of the court upon request by the judgment creditor or judgment creditor's attorney to do so. The return of the writ is without prejudice to the Special Civil Part Officer's right to collect fees and dollarage that may be due.

III. Resolution of Disputes Regarding Fees and Dollarage

The Special Civil Part Officers Advisory Committees appointed in each vicinage pursuant to Directive # 4-01 shall each establish an informal procedure to resolve complaints by Special Civil Part Officers regarding their fees and dollarage. A Special Civil Part Officer is conditionally entitled to his or her fee or dollarage when the effective cause in producing payment or settlement of a judgment is any overt act by the officer towards execution of the writ, including any contact with the judgment debtor or any asset of the judgment debtor, or in the case of a wage execution, any contact with the judgment debtor or his/her employer.

Special Civil Part Officers retain the right to collect their fees or dollarage through a civil lawsuit.

IV. Outstanding Checks

A party or attorney named as the payee on an outstanding check issued by a Special Civil Part Officer from his/her trust fund that remains outstanding for more than three months shall be contacted by the officer to ensure that the check has been received and the address of the party or attorney is valid. Further checks shall not be issued to that payee until this assurance has been made.

If a check remains outstanding for a period of one year, the amount of the outstanding check shall be deposited in an escrow account maintained by the Administrative Office of the Courts for court officer outstanding checks. Following the expiration of a period of ten years, that amount shall escheat to the State Treasury. After either transfer of the outstanding amount to the escrow account or escheatment, the payee nonetheless still may file a claim for such money, supported by such records or documents as appropriate.

These transfers would eliminate old checks from appearing on the reconciliation. The Administrative Office of the Courts will maintain a record detailing what amounts comprise the balance in the court officer outstanding checks escrow account. Interest earned on such money shall be credited to the Administrative Office of the Courts for one year. Thereafter, interest shall accrue to the State Treasury for monies placed there through escheatment.

ATTACHMENT A

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION, SPECIAL CIVIL PART

_____ **COUNTY**

[SEAL]

Plaintiff

v.

Docket No. _____

Defendant

NOTICE TO DEFENDANT

On the _____ day of _____, _____, a judgment was entered against you by this Court. A copy of the writ of execution is attached showing the total amount due.

The following steps or any one of them can and will be taken to collect this judgment and may result in additional costs unless you contact the undersigned Court Officer immediately and make satisfactory arrangements to pay the total due.

- \$ Except for public benefits such as welfare, Social Security, S.S.I., Veterans=, unemployment, and workers= compensation, your cash assets may be seized.
- \$ Your personal property may be seized and sold.
- \$ You may be entitled to an exemption of \$1,000 in cash and personal property.
- \$ Goods that were part of the transaction that led to this judgment may be seized regardless of value.
- \$ A portion of your wages over \$154.50 per week may be paid to plaintiff.
- \$ A lien may be placed against your real estate.

Dated

Special Civil Part Officer

Telephone No. _____

ATTACHMENT B

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION, SPECIAL CIVIL PART

_____ COUNTY

[SEAL]

Plaintiff

v.

Docket No. _____

Defendant

NOTICE TO DEFENDANT

On the _____ day of _____, _____, a judgment was entered against you by this Court in the amount of \$ _____ plus costs and fees of \$ _____, for a total due of \$ _____.

To date, this judgment remains unpaid. Unless you contact me immediately and make satisfactory arrangements to pay the total due, I shall apply to the Court for an Order permitting me to enter your home to levy on your household goods and furnishings, inventory them and have them appraised so that the value in excess of \$1,000 may be sold at public auction to the highest bidder to satisfy the judgment.

Dated

Special Civil Part Officer

Telephone No. _____