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DIRECTIVE #26-17
[Supersedes Directive #1-95]
[Questions or comments may be directed to
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TO: Assignment Judges
Civil Presiding Judges

FROM: Glenn A. Grant, J.A.D. 

SUBJ: Recording of Judgments as Statewide Liens – Judgment Recording Fee

DATE: September 25, 2017

This Directive supersedes Directive #1-95. On August 3, 1994, Governor Christine Todd Whitman signed P.L. 1994, c. 81 into law, amending *N.J.S.A. 2A:16-11* concerning the recording of judgments in the Civil Judgment and Order Docket. These amendments were intended to eliminate the confusion regarding collection of the judgment recording fee. The Supreme Court's January 5, 1994 relaxation of *Rules 4:47* and *4:101* to permit "the Clerk of the Superior Court to reject judgments submitted for entry in the Civil Judgment and Order Docket when the proper judgment fee is not tendered" remains in effect.

RECORDING OF JUDGMENTS IN THE CIVIL JUDGMENT AND ORDER DOCKET

As amended, *N.J.S.A. 2A:16-11* requires the prevailing party in a matter to submit a judgment to the Clerk of the Superior Court in Trenton for the purpose of recording the judgment as a statewide lien in the Civil Judgment and Order Docket. In accordance with that clear statutory direction, the following procedures are required for the recording of judgments in the Civil Judgment and Order Docket:

A. Order and Judgment

1. A judge signing an order or judgment pursuant to *R. 4:42-1(e)* or entering a default judgment under *R. 4:43-2(b)* shall stamp on the copies of the order or judgment that are returned to the submitting party:

If this is a money judgment, it will not be automatically recorded as a statewide lien. To do so, forward it directly to the Clerk of the Superior Court in Trenton

along with a \$35.00 fee.

2. The party submitting the order or judgment to the judge for signature is responsible for forwarding the signed order or judgment, along with the fee, directly to the Clerk of the Superior Court in Trenton for recording in the Civil Judgment and Order Docket. That party must forward two copies of the order or judgment and a pre-addressed and stamped return envelope.
3. The Deputy Clerks of Superior Court in the vicinages will continue to enter orders and judgments in the automated Superior Court Civil Docket (ACMS) and Family Docket (FACTS); they should not, however, forward copies of those orders and judgments to the Superior Court Clerk in Trenton.
4. When a money judgment is entered by the Probate Part of the Chancery Division of Superior Court, the Surrogate shall similarly advise the proponent of the judgment that for it to be recorded in the Civil Judgment and Order Docket, it must be transmitted to the Superior Court Clerk for entry in the Civil Judgment and Order Docket, accompanied with the \$35.00 judgment recording fee.

B. Default Judgments and Statements of Verdict

1. Entry of Default Judgments -- Deputy Clerks of Superior Court shall enter default judgments on behalf of the Clerk of the Superior Court pursuant to *R. 4:43-2(a)* and to enter the judgment in the Superior Court Civil Docket (ACMS). Copies of the default judgment **should not** be sent by the Deputy Clerk to the Superior Court Clerk's Office for recording in the Civil Judgment and Order Docket. The Deputy Clerk should instead forward a copy of the default judgment to the submitting party with the following advisory stamped on it:

If this is a money judgment, it will not be automatically recorded as a statewide lien. To do so, forward it directly to the Clerk of the Superior Court in Trenton along with a \$35.00 fee.

2. Statement of Verdict -- Deputy Clerks of Superior Court shall prepare statements of verdict as required under *R. 4:47* and continue to enter them in the Superior Court Civil Docket (ACMS). The Deputy Clerk **should not** send the statement of verdict to the Superior Court Clerk in Trenton. The Deputy Clerk instead should forward a copy of the statement of verdict to the submitting party with the following advisory stamped on it:

If this is a money judgment, it will not be automatically recorded as a statewide lien. To do so, forward it directly to the Clerk of the Superior Court in Trenton along with a \$35.00 fee.

3. The party seeking the default judgment or receiving the statement of verdict is responsible for forwarding the default judgment or statement of verdict, along with

the recording fee, directly to the Clerk of the Superior Court in Trenton for recording as a statewide lien in the Civil Judgment and Order Docket. The party must forward two copies of the default judgment or statement of verdict and a pre-addressed and stamped return envelope.

C. Taxed Costs

The \$35 fee for recording a judgment in the Civil Judgment and Order Docket is considered a subsequent cost and handled as any other permitted subsequent cost. A request for taxed cost(s) may be made simultaneous with or subsequent to the recording of the judgment in the Civil Judgment and Order Docket. When such request is made, the \$35 judgment recording fee may be included in the computation of allowable costs.

EDITOR'S NOTES

*2017 Update – References to the \$25.00 filing fee for recording a judgment as a lien on the Civil Judgment and Order Docket have been changed to reflect the updated filing fee of \$35.00 pursuant to Rule 1:43. The judgment recording fee becomes a permissible taxed cost at the time of payment and filing. Paragraph C was revised to state that the \$35.00 fee may be included in the computation of allowable costs when the request is made simultaneously with or subsequent to the recording of the judgment.

01/10/1995 – Originally issued by Robert D. Lipscher, Administrative Director.

cc: Chief Justice Stuart Rabner
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of Court
Trial Court Administrators
Civil Division Managers