



How to Apply for an Order to Show Cause in a Landlord Tenant Case

Superior Court of New Jersey - Law Division, Special Civil Part

Who Should Use This Packet?

USE this packet:

- If you (the tenant) have already lost your case and want the judgment vacated/dismissed, stayed (temporarily stopped) or want to stop an eviction (lock out) before the eviction date, you can file an Order to Show Cause (OSC) which is an emergency order to either stay (delay) or vacate (dismiss) the judgment.
- In an Order to Show Cause, you explain to the court your reasons for seeking additional help, and ask the court to:
 - Stay (delay) the judgment for possession;
 - Vacate (dismiss) the judgment for possession;
 - Stop the eviction (lockout) before the eviction date;
 - Or allow you to re-enter the property up to 10 days after an eviction (lockout).

You must give the court a reason for needing to stay in the rental premises or to have the judgment dismissed and could be required to pay the rent you owe plus costs.

Note: You must provide the landlord with a copy of the request for the Order to Show Cause that is being filed. These requests are granted in limited situations. For example, you are asking for relief because there is allegedly new evidence, such as mistake, fraud, and/or any other conduct (*e.g.* the landlord accepted rent after a judgment for possession is entered); which would allow a judge to vacate the judgment and/or keep you temporarily in the rented premises.

DO NOT use this packet if:

- You are asking to stay in the rental premises for up to 7 additional calendar days or less and have no money to post with the court. Instead, you would use the *Application for Order for Orderly Removal Packet* (CN 12790) found on njcourts.gov; or
- You are asking to stay in the rented premises longer than 7 days and up to 6 months, due to difficulty in finding another place to live; you were evicted less than 10 days and more than three business days ago; **and** can pay all of the back rent owed. Instead, you would use the *Application for a Hardship Stay Packet* (CN 12791) found on njcourts.gov.

Note: On *non-payment of rent* cases, you can pay all the rent money due and owing plus permissible costs directly to the landlord, up to three business days after an eviction, to have the judgment for possession dismissed with prejudice.

Note: These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The guides, instructions, and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the [forms](#) will be available at the county courthouse or on the Judiciary's Internet site njcourts.gov. However, you are ultimately responsible for the content of your court papers.

Completed forms are to be submitted to the county where you are filing your case. A list of Special Civil Part Offices is provided at the customer counter and at njcourts.gov. Emergent applications can be submitted via Judiciary Electronic Document System (JEDS) or in person (attorneys must file electronically via eCourts where available, or through JEDS). Documents will be filed as of the date they are received.

Definitions of Words Used in This Packet

Judgment for Possession - The *Judgment for Possession* is an order entered by the court giving the landlord the right of possession and authority to have a tenant and their belongings removed from the rented premises.

Landlord - The *Landlord* is the owner of the rental premises.

Order to Show Cause - An *Order to Show Cause* is an emergency order instructing a landlord to appear before the court and demonstrate why relief should not be granted to a tenant. A tenant must file a request (and send a copy to the landlord) for an Order to Show Cause and ask the court for immediate help, such as to stay (delay) or vacate (dismiss) the judgment for possession.

Special Civil Part Officer - The *Special Civil Part Officer* is an Officer of the court that is granted the authority to serve and execute the warrant of removal on behalf of the landlord.

Stay - A *stay* is a ruling by a court to stop or suspend a proceeding, order, or trial temporarily or indefinitely.

Tenant - The *Tenant* is the person paying rent to the owner for use of the rental premises.

Warrant for Removal - The *Warrant for Removal* is the legal document or Order issued by the Special Civil Part Court which notifies the tenant they must vacate within 3 business days and gives the Special Civil Part Officer the authority to evict (lockout) the tenant out of the rental premises.

The numbered steps listed below tell you what forms you will need to fill out and what to do with them. Each form should be typed or printed clearly on 8.5” x 11” white paper only. Forms cannot be filed on a different size or color paper.

Steps to Apply for an Order to Show Cause in a Landlord Tenant Case

STEP 1: Complete the *Certification in Support of Application for an Order to Show Cause*

The *Certification in Support of Application for an Order to Show Cause* explains to the court why you want to vacate/dismiss or stay the judgment for possession.

STEP 2: Complete the *Certification of Service*

If the court signs the Order to Show Cause, you must complete and submit the *Certification of Service* **before** the scheduled return date of your hearing because it explains that you timely served the landlord or the landlord’s attorney (if any), with the **signed** Order to Show Cause and all of your paperwork in support of your application, as directed by the court.

The court will include in this order the date and time of the hearing to determine the outcome of your application - you must appear at that date and time.

- After the hearing, if the application is granted, the judgement for possession will be vacated/dismissed or stayed allowing you to remain or return to the rental premises.
- After the hearing, if the application is denied, the judgment for possession will remain and/or the warrant of removal can be executed by the Special Civil Part Officer as necessary. That means that you can be evicted (locked out) after the date indicated in the Warrant for Removal that was served by the Special Civil Part Officer.

STEP 3: Submit electronically, mail, deliver or have delivered your package of completed papers to the court.

To electronically submit your documentation in to new or existing cases to the court, use the **Judiciary Electronic Document Submission (JEDS) system**. (Attorneys can use this system **only** for case types not available in eCourts.) To access the JEDS system, go to njcourts.gov and search for “*JEDS*”. From the results page, select “Judiciary Electronic Document Submission (JEDS)”

Filing Attorney Information or Pro Se Litigant:

Name _____

NJ Attorney ID Number _____

Address _____

Email Address _____

Telephone Number _____

Superior Court Of New Jersey
Law Division, Special Civil Part
_____ County

Plaintiff/Landlord Name

Docket Number LT- _____

Street Address

Town, State, Zip Code

Telephone Number

vs.

Civil Action

Defendant/Tenant Name

**Certification in Support of
Application for Order to Show Cause**

Street Address

Town, State, Zip Code

Telephone Number

1. A judgment for possession having been entered against me on _____.

2. Select one:

I was served with the warrant of removal on _____ **OR**

I did not receive a warrant of removal.

3. I want to (select one) vacate/dismiss the judgment for possession **OR**

stay the judgment for possession because

4. I owe \$_____ in rent. I have \$_____ to deposit with the court today.

I certify that the above statements made by me are true. I am aware that if any of the forgoing statements made by me are willfully false, I am subject to punishment.

Date

s/

Tenant's Signature

Filing Attorney Information or Pro Se Litigant:

Name _____

NJ Attorney ID Number _____

Address _____

Email Address _____

Telephone Number _____

Superior Court Of New Jersey
Law Division, Special Civil Part
_____ County

Plaintiff/Landlord Name

Docket Number LT- _____

Street Address

Town, State, Zip Code

Telephone Number

vs.

Defendant/Tenant Name

Civil Action

Street Address

Order to Show Cause

Town, State, Zip Code

Telephone Number

(Do not write below this line, for court use only)

THIS MATTER having been brought before the court by _____, defendant/tenant, and for good cause having been shown;

IT IS on this ____ day of _____, 20 __, **ORDERED** that the landlord/plaintiff(s) appear and show cause before the undersigned Judge on the ____ day of _____, 20 __, before the Superior Court of New Jersey _____ County, at _____ am/ pm, in person / by phone/video, or as soon thereafter as the parties can be heard, why the judgment for possession should not be vacated/dismissed; stayed; granted; and/or such other relief as the court deems equitable and just, and it is **FURTHER ORDERED** that:

1. The defendant/tenant must serve a copy of this Order to Show Cause and all supporting affidavits or certifications submitted in support of this application, if any, upon the plaintiff/landlord(s) personally within _____ days of the date hereof; or if such service cannot be personally made, defendant/tenant shall either serve the plaintiff/landlord(s) by regular and certified mail or by regular mail upon the plaintiff/landlord's attorney, if known, within _____ days of the date hereof in accordance with *R. 4:4-4* and *R. 6:2-3(a)*.
2. The defendant/tenant must file with the court their Certification of Service of the Order to Show Cause pleadings upon the plaintiff/landlord(s) no later than _____ days before the scheduled hearing or return date scheduled by this court.
3. The plaintiff/landlord can file and serve the defendant/tenant with a response on or before the hearing date scheduled by this court and shall appear in response to their Order to Show Cause. Any documents filed by the plaintiff/landlord must be filed with the Office of the Special Civil Part in the county listed above and a copy must be sent to the defendant/tenant, if the defendant/tenant has no attorney, or defendant/tenant's attorney named above. A telephone call will not protect the plaintiff/landlord's rights, as the plaintiff/landlord(s) must appear at the designated date and time schedule by this court and in the manner directed.
4. Plaintiff/landlord(s) take notice that the defendant/tenant has filed a Certification in Support of Application for Order to Show Cause against you in the Superior Court of New Jersey, Special Civil Part. The certification seeks to vacate/dismiss or stay the judgment for possession previously granted. The Certification in Support of Application for Order to Show Cause explains the basis of emergent circumstances in support of vacating/dismissing or staying the judgment for possession. If you dispute this certification, then you can submit before the scheduled hearing date to this order to show cause, a response on or before the hearing date and proof of its service. You must also appear on the hearing date as set forth above.
5. If you wish to hire an attorney and cannot afford one, you can call the Legal Services offices in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJLAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you can obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Case Management Office in the county listed above and online at njcourts.gov.

s/

, J.S.C.

Filing Attorney Information or Pro Se Litigant:

Name _____

NJ Attorney ID Number _____

Address _____

Email Address _____

Telephone Number _____

Superior Court Of New Jersey
Law Division, Special Civil Part
_____ County

Plaintiff/Landlord Name

Docket Number LT- _____

Street Address

Town, State, Zip Code

Telephone Number

vs.

Defendant/Tenant Name

Street Address

Town, State, Zip Code

Telephone Number

_____, defendant/tenant, being of full age, certifies and states that:

I served the signed Order to Show Cause including the supporting Certification in Support of Application for Order to Show Cause on the plaintiff/landlord(s), _____, in the following manner (check one):

- I personally served** _____ on _____. A certification of the process server or Sheriff is attached.
- I mailed the plaintiff/landlord** a copy of the enclosed Certification in Support of Application for Order to Show Cause by regular **and** certified mail, return receipt requested, from the _____ Post Office, addressed to the

plaintiff/landlord, as set forth in the Certification. The Certified Receipt numbers are:

_____ .

- I mailed the plaintiff/landlord's attorney** a copy of the enclosed Certification in Support of Application for Order to Show Cause by regular mail, from the _____ Post Office, addressed to the plaintiff/landlord's attorney, as set forth in the Certification on _____.

I certify that the above statements made by me are true. I am aware that if any of the forgoing statements made by me are willfully false, I am subject to punishment.

Date

s/

Defendant/Tenant's Signature