

# NOTICE TO THE BAR

## **AMENDMENTS TO NEW RULES APPENDICES XII-D AND XII-E**

As part of its July 27, 2006 omnibus rule amendment order, the Supreme Court adopted new Rules Appendices XII-D (“Writ of Execution”) and XII-E (“Writ of Wage Execution”), effective September 1, 2006. Subsequently it was determined that minor clarifying language revisions were needed to both Appendices. The Supreme Court on September 11, 2006 thus adopted the attached revised versions of Appendices XII-D and XII-E, to be effective as of that date.

/s/ Philip S. Carchman

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Philip S. Carchman, J.A.D.  
Acting Administrative Director of the Courts

Dated: September 11, 2006

## **SUPREME COURT OF NEW JERSEY**

It is ORDERED that the attached amendments to Appendix XII-D and Appendix XII-E of the Rules Governing the Courts of the State of New Jersey are adopted effective immediately.

For the Court,

/s/ Deborah T. Poritz

Chief Justice

Dated: September 11, 2006

**[Appendix XII-D]**  
**WRIT OF EXECUTION**

Attorney for Plaintiff  
\_\_\_\_\_

**SUPERIOR COURT OF NEW JERSEY**  
**LAW DIVISION:                      COUNTY**

Plaintiff

**DOCKET NO.**

vs.

**WRIT OF EXECUTION**

Defendant  
  
\_\_\_\_\_

**THE STATE OF NEW JERSEY**

**TO THE SHERIFF OF \_\_\_\_\_**

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ judgment was recovered by Plaintiff \_\_\_\_\_ in an action in the Superior Court of New Jersey, Law Division, \_\_\_\_\_ County, against Defendant, for damages of \$ \_\_\_\_\_ and costs of \$ \_\_\_\_\_; and

**WHEREAS**, on \_\_\_\_\_, the judgment was entered in the civil docket of the Clerk of the Superior Court, and there remains due thereon \$ \_\_\_\_\_.

**THEREFORE, WE COMMAND** that you satisfy said Judgment out of the personal property of said Judgment debtor(s) within your County; and if sufficient personal property cannot be found, then out of the real property in your County belonging to the judgment debtor(s) at the time when the judgment was entered or docketed in the office of the Clerk of this Court or at any time thereafter, in whosoever hands the same may be, and that you pay the said monies realized by you from such property to \_\_\_\_\_, Esq., attorney in this action; and that within twenty-four months after the date of its issuance you return this execution and your proceedings thereon to the Clerk of the Superior Court of New Jersey at Trenton.

**WE FURTHER COMMAND YOU**, that in case of a sale, you make your return of this Writ with your proceedings thereon before this court and you pay to the Clerk thereof any surplus in your hands within thirty days after the sale.

**WITNESS**, the HONORABLE \_\_\_\_\_, a Judge of the Superior Court, at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_, CLERK

**ENDORSEMENT**

<u>Judgment Amount*</u>	\$ _____
[Levy Damages:	\$ _____]
Additional Costs:	\$ _____
[Costs:	\$ _____]
Interest thereon:	\$ _____
Credits:	\$ _____
Sheriff's Fees:	\$ _____
Sheriff's Commissions:	\$ _____
 TOTAL	 \$ _____

\* "Judgment Amount" includes amount of verdict or settlement, plus pre-judgment court costs, plus any applicable statutory attorney's fee.

Post-judgment interest applied pursuant to Rule 4:42-11 must be calculated as **simple interest**. As required by Rule 4:59-1, explain in detail the method by which interest has been calculated, taking into account all partial payments made by the defendant.

\_\_\_\_\_  
Attorney for Plaintiff

Dated: \_\_\_\_\_, 200\_\_

[Note: Form adopted as Appendix XII-D July 27, 2006 to be effective September 1, 2006; amended September 11, 2006 to be effective immediately.]

**[Appendix XII-E]**  
**WRIT OF WAGE EXECUTION**

Attorneys for Plaintiff

\_\_\_\_\_

Plaintiff,

vs.

Defendant.

\_\_\_\_\_

**SUPERIOR COURT OF NEW JERSEY  
DIVISION,                      COUNTY**

**DOCKET NO:**

**WRIT OF WAGE EXECUTION**

**THE STATE OF NEW JERSEY**

**TO THE SHERIFF OF \_\_\_\_\_ COUNTY**

**YOU ARE HEREBY COMMANDED** that of the weekly earnings which the Defendant \_\_\_\_\_ receives from employer \_\_\_\_\_ whose address is \_\_\_\_\_, you take the sum of 10% of the gross weekly pay or 25% of disposable earnings for that week or the amount by which the designated Defendant's disposable weekly earnings exceed \$154.50 per week, pursuant to the Order for Wage Execution entered with this Court on \_\_\_\_\_, a copy of which is attached hereto and Certification of the Court entered in the sum of \$\_\_\_\_ plus interest and fees until \$ \_\_\_\_\_ plus interest and fees is paid and satisfied, and that you pay weekly to the Plaintiff's duly authorized attorney said amount of reservation of salary.

**YOU ARE FURTHER COMMANDED** that 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 seven days after filing the objection or application for a reduction. According to law, no employer may terminate an employee because of a garnishment.

**YOU ARE HEREBY FURTHER COMMANDED** that upon satisfaction of Plaintiff's damages, costs and interests, plus subsequent costs, or upon termination of the Defendant's salary, you will immediately thereafter return this Writ to the Court with a statement as to the execution annexed.

**WITNESS**, the Honorable \_\_\_\_\_, Judge of the Superior Court,  
this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_, CLERK

**ENDORSEMENT**

Judgment Amount*	.....\$
[Levy Damages	.....\$]
Additional Costs	.....\$
Interest thereon	.....\$
Credits.....	\$
Sheriff's Fees	.....\$
Sheriff's Commissions	.....\$
<b>TOTAL:</b>	<b>\$</b>

\* "Judgment Amount" includes amount of verdict or settlement, plus pre-judgment court costs, plus any applicable statutory attorney's fee.

Post-judgment interest applied pursuant to Rule 4:42-11 must be calculated as **simple interest**. As required by Rule 4:59-1, explain in detail the method by which interest has been calculated, taking into account all partial payments made by the defendant

\_\_\_\_\_  
Attorney for Plaintiff

Dated: \_\_\_\_\_, 200\_\_

[Note: Form adopted as Appendix XII-E July 27, 2006 to be effective September 1, 2006; amended September 11, 2006 to be effective immediately.]