

# NOTICE TO THE BAR

## PRIVATE SECTOR CONSTRUCTION LIEN ACTIONS – WHERE TO BE FILED

Pursuant to *N.J.S.A. 2A:44-137*, actions involving public sector construction liens are equitable in nature and must be filed in the General Equity Part of the Chancery Division. Private sector construction liens, which seek to fix damages, have been filed both in the General Equity Part of the Chancery Division and in the Civil Part of the Law Division. Because the relief sought in private sector construction lien actions is monetary, however, rather than equitable in nature, both the Conference of General Equity Presiding Judges and the Conference of Civil Presiding Judges have recommended that all such actions be filed solely in the Civil Part of the Law Division.

Accordingly, this Notice is to advise the bar that effective **January 18, 2011**, all actions involving private sector construction liens shall be filed solely in the Civil Part of the Law Division. Public sector construction lien actions shall continue to be filed in the General Equity Part of the Chancery Division.

Any questions concerning this change may be directed to Taironda E. Phoenix, Esq., Staff Attorney, Civil Practice Division, Administrative Office of the Courts, Hughes Justice Complex, P.O. Box 981, Trenton, New Jersey 08625-0981; Telephone (609) 292-8471, e-mail address: [taironda.phoenix@judiciary.state.nj.us](mailto:taironda.phoenix@judiciary.state.nj.us).

/s/ Glenn A. Grant

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

Dated: December 28, 2010