

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rule 4:59-2 of the Rules Governing the Courts of the State of New Jersey are adopted to be effective September 4, 2012.

For the Court,

A handwritten signature in blue ink, appearing to read "Stuart Rosen", written over a horizontal line.

Chief Justice

Dated: July 30, 2012

4:59-2. Judgment for Specific Acts; Writ of Possession

(a) ... no change

(b) Order and Writ of Possession. Where a party by virtue of any judgment or order, or any writ, sale or proceeding thereunder, claims possession of property, but the judgment or order does not provide therefor, the court on motion may make an order for the possession, provided notice of the motion is given to the person in possession and proof is made that such person has failed to deliver possession 10 days after a written demand. If an order or judgment is for the possession of real or personal property, the party in whose favor it is entered is, on application to the clerk, entitled as of course to a writ of possession directed to the sheriff (except as otherwise provided by R. 6:7-1(f)), which may include an execution for costs.

Note: Source-R.R. 4:75-1, 4:75-2; paragraphs (a) and (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended July 30, 2012 to be effective September 4, 2012.