

NOTICE TO THE BAR

REVISED WAGE AND CHATTEL EXECUTIONS ISSUED BY THE SPECIAL CIVIL PART – APPENDICES XI-H AND XI-J TO THE RULES OF COURT

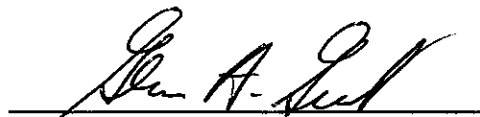
Attached is the Supreme Court's November 6, 2013 Order amending the chattel and wage execution forms set forth in Appendices XI-H and XI-J to the Rules of Court. These revised versions of the two forms, which are appended to the Court's order, are effective November 25, 2013.

These forms are generated by the Judiciary's Automated Case Management System (ACMS). Up to this point the system has combined the interest and costs that have accrued subsequent to the issuance of a chattel or wage execution in a category labeled "subsequent costs." Although the total amounts due on the executions are accurate, the aggregation of post-execution interest and costs has been a source of confusion for attorneys and their clients. Updates to the AOC's mainframe computer system have enabled the correction of this historical anomaly. In addition to the proper allocation of subsequent interest and costs, the revised execution forms now show the addition of the interest and costs chronologically. This will provide more clarity to attorneys and their clients and to the judgment debtors who are the targets of the executions.

Attorneys should continue to submit a statement of the amount due, when applying for a writ of execution against goods and chattels, or a certification of the amount due, when applying for a wage execution order. In the interest of clarity and uniformity, attorneys should follow two precepts in preparing a statement or certification of the amount due:

- (1) If no executions have been issued previously in the case, the statement or certification of the amount due should separately state any interest, credits and costs that have accrued since entry of the judgment.
- (2) If an execution has previously been issued in the case, the statement or certification of the amount due should separately state any interest, credits and costs that have accrued since the issuance of the most recent execution.

Questions regarding this notice or the amended forms may be directed to the AOC's Civil Practice Division at 609-292-8470.



Glenn A. Grant, J.A.D.

Acting Administrative Director of the Courts

Dated: November 15, 2013

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached revisions to Appendix XI-H ("Execution Against Goods and Chattels"), and Appendix XI-J ("Wage Execution") of the Rules Governing the Courts of the State of New Jersey are adopted to become effective November 25, 2013.

For the Court,

A handwritten signature in black ink, appearing to read "S. G. Solomon", is written over a horizontal line.

Chief Justice

Dated: November 6, 2013

[Note: Adopted January 2, 1989; amended July 13, 1994, effective September 1, 1994; amended July 10, 1998 to be effective September 1, 1998; amended July 12, 2002 to be effective September 3, 2002; amended July 28, 2004 to be effective September 1, 2004; amended July 23, 2010 to be effective September 1, 2010; amended May 17, 2011 to be effective immediately; amended November 6, 2013 to be effective November 25, 2013.]

APPENDIX XI-J. WAGE EXECUTION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, SPECIAL CIVIL PART
County Tel. _____

ORDER AND EXECUTION AGAINST EARNINGS
PURSUANT TO 15 U.S.C. 1673 and N.J.S.A. 2A:17-56

Docket No.: _____

Judgment No.: _____

Writ Number: _____ Issued _____

Name and Address of Employer Ordered to Make Deductions:

Plaintiff

vs.

Designated Defendant
(Address)

The employer is ordered to deduct from the earnings which the designated defendant receives and to pay over to the court officer named below, the lesser of the following: (a) 10% of the gross weekly pay; or (b) 25% of disposable earnings for that week; or (c) the amount, if any, by which the designated defendant's disposable weekly earnings exceed \$217.50 per week, until the total amount due has been deducted or the complete termination of employment. Upon either of these events, an immediate accounting is to be made to the court officer. Disposable earnings are defined as that portion of the earnings remaining after the deduction from gross earnings of any amounts required by law to be withheld. In the event the disposable earnings so defined are \$217.50 or less, no amount shall be withheld under this execution. In no event shall more than 10% of gross salary be withheld.

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 7 days after filing the objection or application for a reduction. According to law, no employer may terminate an employee because of a garnishment.

Judgment Date
Judgment Award \$
Court Costs & Stat Atty. Fees \$
Total Judgment Amount \$
Interest From Prior Writs \$
Costs From Prior Writs \$
Subtotal A \$
Credits From Prior Writs \$
Subtotal B \$
New Miscellaneous Costs \$
New Interest On This Writ \$
New Credits On This Writ \$
Execution Fees & Mileage \$
Subtotal C \$
Court Officer Fee \$
Total due this date \$

Date _____

Judge

Jane B. Doe
Clerk of the Special Civil Part

Make payments at least monthly to Court Officer as
set forth:

Court Officer

Plaintiff's Attorney and Address:

I RETURN this execution to the Court
() Unsatisfied () Satisfied () Partly Satisfied
Amount Collected \$
Fee Deducted \$
Amount Due to Atty \$
Date: _____

Court Officer

HOW TO CALCULATE PROPER GARNISHMENT AMOUNT

- (1) Gross Salary per pay period
- (2) Less:
 - Amounts Required by Law to be Withheld:
 - (a) U.S. Income Tax
 - (b) FICA (social security)
 - (c) State Income Tax, ETT, etc.....
 - (d) N.J. SUI
 - (e) Other State or Municipal Withholding.....
 - (f) TOTAL -
 - (3) Equals "disposable earnings" =
 - (4) If salary is paid:
 - weekly, then subtract \$217.50
 - every two weeks, then subtract \$435.00
 - twice per month, then subtract \$471.25
 - monthly, then subtract \$942.50
 (Federal law prohibits any garnishment when "disposable earnings" are smaller than the amount on line 4) -
 - (5) Equals the amount potentially subject to garnishment (if less than zero, enter zero) =
 - (6) Take "disposable earnings" (Line 3) and multiply by .25:
\$ x .25 = \$
 - (7) Take the gross salary (Line 1) and multiply by .10:
\$ x .10 = \$
 - (8) Compare lines 5, 6, and 7--the amount which may lawfully be deducted is the smallest amount on line 5, line 6, or line 7, i.e.,
.....

Source: 15 U.S.C. 1671 *et seq.*; 29 C.F.R. 870; N.J.S.A. 2A:17- 50 *et seq.*

[Note: Former Appendix XI-I adopted effective January 2, 1989; amended June 29, 1990, effective September 4, 1990; amended July 14, 1992, effective September 1, 1992; redesignated as Appendix XI-J and amended July 13, 1994, effective September 1, 1994; amended September 27, 1996, effective October 1, 1996; amended July 30, 1997, effective September 1, 1997; amended July 28, 2004 to be effective September 1, 2004; amended July 3, 2007, to be effective July 24, 2007; amended July 2, 2008, to be effective July 24, 2008; amended July 9, 2009 to be effective July 24, 2009; amended November 6, 2013 to be effective November 25, 2013.]