

NOTICE TO THE BAR

Special Civil Part – Exemption from Motion Filing Fee for Turnover Motions in Full Satisfaction of Judgment

By Supreme Court rule relaxation order dated March 7, 2017 (published with this notice), effective immediately Special Civil Part motions to turn over funds in full satisfaction of the judgment will be exempt from the recently adopted \$25 motion filing fee. This applies only to turnover motions in full satisfaction of the judgment and not to other turnover motions that would not fully satisfy the judgment. The rules relaxed by the Court's order are Rule 6:3-3(c) ("Motion Practice") and Rule 1:43 ("Filing and Other Fees Established Pursuant to N.J.S.A. 2B:1-7").

The basis for the Court's action is as follows. On November 17, 2014, pursuant to N.J.S.A. 2B:1-7, court fees were increased to provide the funding necessary for Criminal Justice Reform (specifically, to fund the Pretrial Services Program, along with providing funds for eCourts and for Legal Services of New Jersey). Those fee increases included establishment of a \$25 fee for all motions filed in the Special Civil Part of the Law Division. Regarding motions by a creditor for the turnover of funds that would fully satisfy the underlying judgment, the motion filing fee has proven to be problematic since, even though the filing fee for the motion is a taxable cost, it was not due (that is, it was not part of the judgment) at the time the court officer collected on the writ of execution. The creditor therefore cannot recover the \$25 taxable cost for the motion filing fee and the judgment remains open with \$25 still owing. Since the judgments in these cases are not fully satisfied, some creditors have been unwilling to execute warrants of satisfaction. It is on this basis that the Court is exempting this limited category of motions from the motion filing fee.

As set forth in the Court's order, to be eligible for the motion filing fee exemption, such motions (1) must be captioned as "Motion to Turnover Funds in Full Satisfaction of Judgment," and (2) must include in the certification or affidavit filed in support of the

motion a statement that "the judgment will be fully satisfied if the requested relief is granted."

The filing of this new form of turnover motion does not relieve the judgment creditor from their statutory obligation to provide an acknowledgment of satisfaction or warrant to satisfy under N.J.S.A. 2A:16-46.

Questions regarding this notice may be directed to Lloyd Garner, Chief, Special Civil Part Services, by email at lloyd.garner@njcourts.gov or by telephone at 609-292-8470.



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

Dated: March 10, 2017

SUPREME COURT OF NEW JERSEY

Pursuant to N.J. Const. Art VI, sec. 2, par. 3, it is ORDERED that, effective immediately and until further order, Rule 6:3-3(c) ("Motion Practice in the Special Civil Part Court – Service and Form") and Rule 1:43 ("Filing and Other Fees Established Pursuant to N.J.S.A. 2B:1-7") are supplemented and relaxed so as to require that Special Civil Part (DC) motions to turnover funds in full satisfaction of the judgment (1) must be captioned as "Motion to Turnover Funds in Full Satisfaction of Judgment," and (2) must include in the certification or affidavit filed in support of the motion a statement that "the judgment will be fully satisfied if the requested relief is granted"; such motions so captioned and including such statement shall be exempt from the \$25 motion filing fee.

For the Court,



Chief Justice

Dated: March 7, 2017