


Notice to the Bar

FORECLOSURE – MOTIONS TO REINSTATE MATTERS DISMISSED FOR LACK OF PROSECUTION MUST BE FILED WITH THE OFFICE OF FORECLOSURE

The Supreme Court has amended Rule 4:64-8 (“Dismissal of Foreclosure Actions for Lack of Prosecution; Reinstatement”), effective December 1, 2021, to require that a motion to reinstate a foreclosure matter dismissed because of lack of prosecution must be filed with the Office of Foreclosure. The Court’s November 29, 2021 order adopting that amendment is attached to this notice.

Rule 1:34-6 (“Office of Foreclosure”) provides that the Office of Foreclosure may recommend to the court the entry of certain orders in uncontested actions. This amendment to Rule 4:64-8 follows the Court’s 2019 adoption of amendments based on the report of the Special Committee on Residential Foreclosures which proposed expansion of the list of uncontested matters in which the Office of Foreclosure can provide such recommendations to the court.

Questions regarding this notice may be directed to the Superior Court Clerk’s Office at 609-421-6100.



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

Dated: November 29, 2021

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rule 4:64-8
("Dismissal of Foreclosure Actions for Lack of Prosecution; Reinstatement")
of the Rules Governing the Courts of the State of New Jersey are adopted to
be effective December 1, 2021.

For the Court,



Chief Justice

Dated: November 29, 2021

4:64-8. Dismissal of Foreclosure Actions for Lack of Prosecution; Reinstatement

(a) Dismissal for Lack of Prosecution. ... no change

(b) Reinstatement After Dismissal. A matter may be reinstated after dismissal pursuant to paragraph (a) only on motion for good cause shown. Such motion to reinstate a dismissed foreclosure matter pursuant to paragraph (a) must be filed with the Office of Foreclosure in accordance with Rule 1:34-6. Upon such reinstatement, the plaintiff will be assessed a restoration fee equivalent to twice the filing fee for a foreclosure complaint. A matter may be reinstated only three times (not counting any dismissals based on federal exemptions) before a new complaint must be filed by plaintiff in order to proceed.

Note: Adopted July 28, 2004 to be effective September 1, 2004; amended April 30, 2019 to be effective May 1, 2019; text allocated into paragraphs (a) and (b), captions added, and paragraph (b) amended December 2, 2019 to be effective immediately; paragraph (b) amended November 29, 2021 to be effective December 1, 2021.