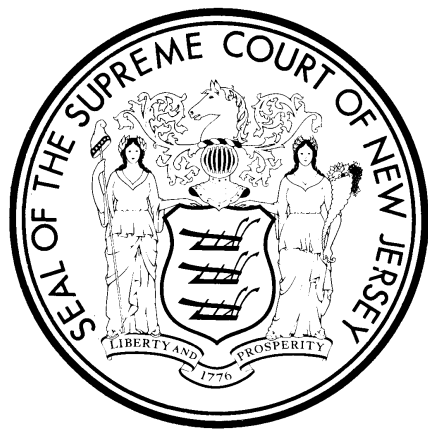


2022 REPORT
OF THE SUPREME COURT
SPECIAL CIVIL PART PRACTICE COMMITTEE



January 2022

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I. RULE AMENDMENTS RECOMMENDED FOR ADOPTION

A. Proposed Amendments to *R. 4:59* (Execution)

The Committee discussed amending *R. 4:59-1(h)* (Notice to Debtor) to be consistent with *R. 4:59-1(e)* (Wage Executions; Notice, Order, Hearing). *R. 4:59-1(e)* governs the process of wage garnishments. In the event of an objection to a wage garnishment the rule provides in part: “The judgment-creditor may waive in writing the right to appear at the hearing on the objection and rely on the papers.”

R. 4:59-1(h) governs objections to levies generally but does not contain the same waiver of appearance provision. In practice, judgment-creditors’ attorneys often waive their appearance in both types of objections. The Committee discussed a proposal to add the specified language from *R. 4:59-1(e)* to *R. 4:59-1(h)* for consistency and to reflect common practice.

The Committee voted unanimously to approve the proposed amendments. This item has been referred to the Supreme Court Civil Practice Committee which is responsible for the Part IV rules.

The proposed amendments to *R. 4:59-1(h)* follow.

4:59-1. Execution

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) ...no change.

(e) ...no change.

(f) ...no change.

(g) ...no change.

(h) Notice to Debtor. Every court officer or other person levying on a debtor's property shall, on the day the levy is made, mail a notice to the last known address of the person or business entity whose assets are to be levied on stating that a levy has been made and describing exemptions from levy and how such exemptions may be claimed by qualified persons. If the execution is served on a bank or other financial institution as garnishee pursuant to *N.J.S.A. 2A:17-63*, the officer shall mail the notice to the debtor on the day the officer serves the writ. The notice shall be in the form prescribed by Appendix VI to these rules and copies thereof shall be promptly filed by the levying officer with the clerk of the court and mailed to the person who requested the levy. If the clerk or the court receives a claim of exemption, whether formal or informal, it shall hold a hearing thereon within 7 days after the claim is made. The judgment-creditor may waive in writing the right to appear at the hearing on the objection and rely on the papers. If an

exemption claim is made to the levying officer, it shall be forthwith forwarded to the clerk of the court and no further action shall be taken with respect to the levy pending the outcome of the exemption hearing. No turnover of funds or sale of assets may be made, in any case, until 20 days after the date of the levy and the court has received a copy of the properly completed notice to debtor.

(i) ...no change.

Note: Source – *R.R.* 4:74-1, 4:74-2, 4:74-3, 4:74-4. Paragraph (c) amended November 17, 1970 effective immediately; paragraph (d) amended July 17, 1975 to be effective September 8, 1975; paragraph (a) amended, new paragraph (b) adopted and former paragraphs (b), (c), (d), and (e) redesignated (c), (d), (e) and (f) respectively, July 24, 1978 to be effective September 11, 1978; paragraph (b) amended July 21, 1980 to be effective September 8, 1980; paragraphs (a) and (b) amended July 15, 1982 to be effective September 13, 1982; paragraph (d) amended July 22, 1983 to be effective September 12, 1983; paragraph (b) amended and paragraph (g) adopted November 1, 1985 to be effective January 2, 1986; paragraph (d) amended June 29, 1990 to be effective September 4, 1990; paragraph (e) amended July 14, 1992 to be effective September 1, 1992; paragraphs (a), (c), (e), (f), and (g) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended June 28, 1996 to be effective June 28, 1996; paragraph (d) amended June 28, 1996 to be effective September 1, 1996; paragraph (e) amended July 10, 1998 to be effective September 1, 1998; paragraphs (a), (e), and (g) amended July 5, 2000 to be effective September 5, 2000; paragraph (d) amended July 12, 2002 to be effective September 3, 2002; paragraph (d) amended July 28, 2004 to be effective September 1, 2004; paragraphs (a) and (d) amended, and new paragraph (h) adopted July 27, 2006 to be effective September 1, 2006; paragraphs (a) and (f) amended July 9, 2008 to be effective September 1, 2008; paragraph (c) redesignated as subparagraph (c)(2), new paragraph (c) caption adopted, new subparagraph (c)(1) caption and text adopted, and paragraph (g) amended July 23, 2010 to be effective September 1, 2010; paragraph (a) amended, former paragraphs (b) through (h) redesignated as paragraphs (c) through (i), new paragraph (b) adopted, redesignated paragraph (h) amended, and caption added to redesignated paragraph (i) July 19, 2012 to be effective September 4, 2012; paragraph (i) amended July 22, 2014 to be effective September 1, 2014; paragraph (c) amended

July 27, 2015 to be effective September 1, 2015; paragraph (e) amended July 31, 2020 to be effective September 1, 2020; paragraph (h) amended _____ to be effective _____.

B. Proposed Amendments to R. 6:7-2 (Orders for Discovery; Information Subpoena)

The Committee discussed proposed amendments to R. 6:7-2 pertaining to motions to enforce litigant's rights. The rule as presently written permits a judgment creditor to obtain an order to enforce litigant's rights and wait an undetermined amount of time to obtain a warrant of arrest.

It also permits a judgment-creditor to serve an information subpoena, not receive answers to the questions and wait an undetermined amount of time to file for relief that could result in an arrest warrant. A judgment-creditor can also claim that the lack of reference of the three days for mailing does not apply, because it was not specifically mentioned in the rule. Also, courts typically schedule return dates of motions to enforce litigant's rights, yet the rule provides no authority to do so.

The proposed amendments revise R. 6:7-2(e) to impose a 6-month time limit to file a motion to enforce against a judgment-debtor or a non-party, who fails who fails to obey an order for discovery or an information subpoena. The proposed amendments also would allow the court to schedule the motion at its discretion on notice to the parties.

The proposed amendments also revise R. 6:7-2(g) to require that a court may issue an arrest warrant only where the order to enforce litigant's rights is no older than 6 months old.

The Committee voted unanimously to approve the proposed amendments.

The proposed amendments to R. 6:7-2 follow.

6:7-2. Orders for Discovery; Information Subpoenas

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) Enforcement Against Other Person or Entity. Proceedings to seek relief pursuant to *R. 1:10-3*, when a person who is not a party fails to obey an order for discovery or an information subpoena, may be commenced by order to show cause or notice of motion within 6 months thereof.

(e) Enforcement by Motion. Proceedings to seek relief pursuant to *R. 1:10-3*, when a judgment-debtor fails to obey an order for discovery or an information subpoena, shall be commenced within 6 months thereof by notice of motion supported by affidavit or certification. The notice of motion and certification shall be in the form set forth in Appendices XI-M and N to these Rules. The notice of motion shall contain a return date and shall be served on the judgment-debtor and filed with the clerk of the court not later than 10 days before the time specified for the return date, which can be rescheduled by the court at its discretion on notice to the parties. The moving papers shall be served on the judgment-debtor either in person or simultaneously by regular and certified mail, return receipt requested. The notice of motion shall state that the relief sought will include an order:

(1) ...no change.

(2) ...no change.

(3) ...no change.

(4) ...no change.

(5) ...no change.

The notice of motion shall also state, in the case of an information subpoena, that the court appearance may be avoided by furnishing to the judgment-creditor written answers to the information subpoena and questionnaire at least 3 days before the return date.

(f) ...no change.

(g) Warrant for Arrest. Upon the judgment-creditor's certification, in the form set forth in Appendix XI-P to these Rules, that a copy of the signed order to enforce litigant's rights has been served upon the judgment-debtor as provided in this rule, the order to enforce litigant's rights is no older than 6 months old, and that 10 days have elapsed and that there has been no compliance with the information subpoena or discovery order, the court may issue an arrest warrant. If the judgment debtor is to be arrested in a county other than the one in which the judgment was entered, the warrant shall be issued directly to a Special Civil Part Officer or the Sheriff of the county where the judgment debtor is to be arrested, and the warrant shall have annexed to it copies of the order to enforce litigant's rights and the certification in support of the application for the warrant. The warrant shall be in the form set forth in Appendix XI-Q to these Rules and, except

for good cause shown and upon such other terms as the court may direct, shall be executed by a Special Civil Part Officer or Sheriff only between the hours of 7:30 a.m. and 3:00 p.m. on a day when the court is in session. If the notice of motion and order to enforce litigant's rights were served on the judgment-debtor by mail, the warrant may be executed only at the address to which they were sent. In all cases the arrested judgment-debtor shall promptly be brought before a judge of the Superior Court in the county where the judgment-debtor is arrested and released upon compliance with the order for discovery or information subpoena. When the judgment-debtor has been arrested for failure to answer an information subpoena, the clerk shall furnish the judgment-debtor with a blank form containing the questions attached to the information subpoena, as set forth in Appendix XI-L to these Rules.

(h) ...no change.

(i) ...no change.

Note: Source — R.R. 7:11-3(a)(b), 7:11-4. Paragraph (a) amended June 29, 1973 to be effective September 10, 1973; paragraph (a) amended July 17, 1975 to be effective September 8, 1975; amended July 21, 1980 to be effective September 8, 1980; caption amended, paragraph (a) caption and text amended, paragraph (b) adopted and former paragraph (b) amended and redesignated as paragraph (c) June 29, 1990 to be effective September 4, 1990; paragraph (a) amended and paragraphs (d), (e) and (f) adopted July 14, 1992 to be effective September 1, 1992; paragraphs (b), (d), (e) and (f) amended July 13, 1994 to be effective September 1, 1994; former paragraph (b) redesignated as subparagraph (b)(1), subparagraph (b)(2) adopted, paragraph (c) amended, paragraph (d) adopted, former paragraph (d) amended and redesignated as paragraph (e), former paragraphs (e) and (f)

redesignated as paragraphs (f) and (g) June 28, 1996 to be effective September 1, 1996; subparagraph (b)(2) and paragraph (g) amended July 10, 1998 to be effective September 1, 1998; paragraph (h) adopted July 5, 2000 to be effective September 5, 2000; new paragraph (h) added, and former paragraph (h) redesignated as paragraph (i) July 12, 2002 to be effective September 3, 2002; paragraphs (f) and (g) amended July 28, 2004 to be effective September 1, 2004; paragraph (g) amended July 19, 2012 to be effective September 4, 2012; paragraph (f) amended July 27, 2018 to be effective September 1, 2018; paragraphs (d), (e), and (g) amended _____ to be effective _____.

**C. Special Civil Part (DC) and Small Claims Rule Appendices –
Removal of Non-Mandatory Forms from the Rules Appendix**

The Committee discussed a proposal that all non-mandatory Special Civil Part (DC) and Small Claims forms be removed from the Appendices to the Rules of Court. Removal of these forms would allow for efficient revision, rather than Supreme Court approval for forms that are not mandatory. Any forms affected would continue to be available on the Judiciary's website. The Committee voted unanimously to approve the proposal.

The appendices recommended for removal are XI-C (Small Claims Complaint- Contract, Security Deposit, Rent or Tort), XI-D (Small Claims Complaint – Motor Vehicle), XI-E (Answer – Auto Accident), XI-F (Answer – Civil Action), XI I (Notice of Application for Wage Garnishment), XI-K (Letter to Creditor Re Certificate of Satisfaction), XI-T (Certification by Landlord), XI-U (Certification by Landlord's Attorney), XI-W (Consent to Enter Judgment for Possession – Tenant Vacates), XI-Y (Verified Complaint – Non-Payment of Rent), XI-Z (Answer with a Counterclaim, Cross-claim and/or Third Party Complaint) are included in this Report as Attachment 1.

D. Rule Amendments Recommended and Subsequently Rendered Moot by the Supreme Court's Action on the Report and Recommendations of the Judiciary Special Committee on Landlord Tenant

The proposed rule amendments in this section pertain to Landlord Tenant and were recommended by the Committee. However, the proposed amendments were subsequently rendered moot, as detailed below, by the Supreme Court's July 14, 2021 Administrative Determinations on the Report and Recommendations of the Judiciary Special Committee on Landlord Tenant.

1. Proposed Amendments to R. 6:3-4 (Summary Actions for Possession of Premises)

The Committee considered a proposal to amend R. 6:3-4 to address the requirement for tenants to deposit rent with the court if trial is not held on the scheduled date. This amendment would make clear that a tenant may only be required to deposit rent in the instance that the tenant requested an adjournment of the trial date, not if the court did not reach the trial and not if the landlord requested the adjournment.

Members discussed whether amendments should also clarify that the court could only require that the deposit be of base rent alone and not late, court, or attorneys' fees, and also whether the first trial adjournment request made by a tenant should be as of right, and without the need for a deposit of rent. While some

members supported these further modifications, other members did not, especially if the modifications applied to both commercial and residential tenants. Some members thought that courts should retain discretion to set the amount of the deposit because there are often disagreements about the amount of rent due.

The Committee voted to endorse the amendments as originally proposed.

After the Committee's vote, the Supreme Court issued its Administrative Determinations on the Report and Recommendations of the Judiciary Special Committee on Landlord Tenant ("Special Committee"). The Court rejected Recommendation 14 whereby the Special Committee recommended that *R. 6:3-4* be amended to set forth a standard for the posting of a deposit where a tenant seeks an adjournment of the trial in order to raise and advance a Marini (habitability) defense. The Court also rejected Recommendation 15 that *R. 6:3-4* be amended to set forth a standard for posting with the court a deposit of the unpaid base rent when the tenant seeks to obtain a trial adjournment for reasons other than to raise and advance a Marini defense.

Accordingly, Committee's proposal to amend *R. 6:3-4* is moot.

2. Proposed Amendments to *R. 6:6-4* (Consent Judgments for Possession and Stipulations of Settlement, Residential Cases)

The Committee considered a proposal to amend *R. 6:6-4* to clarify that judges need only review consent for possession for agreements involving unrepresented residential tenants. Members noted that parties represented by counsel may still put a settlement on the record if all agree to do so. The Committee voted to approve the proposed amendments.

After the Committee's vote, the Supreme Court issued its July 14, 2021 Order amending *R. 6:6-4* effective September 1, 2021. These amendments provide, among other modifications, that a stipulation of settlement or an agreement that provides for entry of a judgment for possession against an unrepresented tenant must be written, either signed by the parties or placed on the record in lieu of signature, and reviewed, approved, and signed by a judge on the day of the court proceeding.

Accordingly, the Committee's proposal to amend *R. 6:6-4* is moot.

3. Proposed Amendments to Appendix XI-S (Landlord Tenant Trial Information – Harris Announcement)

The Committee considered proposed amendments to Appendix XI-S for plain language purposes and to reflect changes to the landlord/tenant (LT) processes. The Committee voted to endorse the proposed amendments.

After the Committee's, vote the Supreme Court approved the Special Committee's Recommendation 12 to revise Appendix XI-S. Accordingly, the Committee's proposal to amend Appendix XI-S is moot.

II. RULE AMENDMENTS CONSIDERED AND REJECTED

A. Proposed Amendments to R. 6:3-4 (Summary Actions for Possession of Premises) and Appendix XI-X (Landlord Tenant Verified Complaint – Nonpayment of Rent)

As part of a review of Landlord Tenant (LT) court processes, the Civil Practice Division proposed (1) removing the LT Verified Complaint for Nonpayment of Rent (Appendix XI-X) from the Appendices; (2) amending R. 6:3-4(c) to mandate the Verified Complaint for Nonpayment of Rent as a form to be promulgated by the Administrative Director; and (3) revising the Verified Complaint for Nonpayment of Rent.

Tenant-advocate members suggested several revisions to the complaint, including adding language that landlords must cooperate with a rental assistance program or charitable organization that has committed to pay the rent. Landlord-advocate members voiced concern over a mandatory form that would limit the allegations of a complaint. Other members expressed concerns over court staff determining whether a landlord had filed the required form and that cases would be delayed while deficiencies to the complaint are corrected.

A subcommittee was formed to review changes to the complaint form. The subcommittee proposed that the complaint form not be mandatory. It proposed complaints be substantially similar to Appendix XI-X and lay out the minimum requirements for this pleading. The subcommittee proposed that the CARES Act

not be included in the complaint. The subcommittee disagreed over whether landlords should be required to attach leases and registration certificates to the complaint. The subcommittee was concerned that it was not fully aware of the specific problems and concerns that would warrant revising the complaint form.

The Committee did not come to a consensus on the proposed changes. Therefore, the Committee recommends no action to (1) remove the LT Verified Complaint for Nonpayment of Rent (Appendix XI-X) from the Appendices; (2) amend *R. 6:3-4(c)* to mandate the Verified Complaint for Nonpayment of Rent as a form to be promulgated by the Administrative Director; and (3) revise the Verified Complaint for Nonpayment of Rent.

While the Judiciary Special Committee on Landlord Tenant recommended a process for enhanced, initial review of landlord tenant complaints, it did not recommend revisions to the Verified Complaint for Nonpayment of Rent. Thus, here, the Supreme Court's Administrative Determinations on the Report and Recommendations of the Judiciary Special Committee on Landlord Tenant did not override the Committee's rejection of these proposed changes to the LT Verified Complaint.

B. Subcommittee on Arrest Warrants

A Subcommittee on Arrest Warrants was formed to evaluate benefits to amending the process for issuing arrest warrants to judgment debtors who have not responded to an information subpoena or order for discovery, and a corresponding motion to enforcement litigant's rights. The Subcommittee's work arose from the Committee's discussion about the issuance of arrest warrants in debt collection matters and constitutional concerns over incarcerating a debtor.

At the conclusion of its work, the Subcommittee prepared a report and made four recommendations with corresponding proposed amendments to *R. 6:7-2* (Orders for Discovery; Information Subpoenas) and related Appendices XI-L, XI-M, XI-N, and XI-P. These recommendations included removing the threat of incarceration from the information subpoena and order for litigants' rights and proposing amendments to *R. 6:7-2(b)(1)* and *6:7-2(e)* to make compliance with an information subpoena less burdensome.

Committee members raised concerns that amendments were not necessary since very few individuals are arrested for failing to pay a debt. Members contended that removing the threat of incarceration would make debtors' compliance with orders for discovery less likely and upset a system that is not currently problematic. Members also observed that the proposed amendments did not clarify what would happen in certain scenarios, such as, when a debtor is brought to court and refuses to fill out an information subpoena. Finally, some

members identified that there may be some questions of interpretation as to the constitutionality of the proposed amendments. Therefore, the Committee recommends no action.

III. MATTERS HELD FOR CONSIDERATION

A. Proposed Amendments to R. 6:6-6 (Post-Judgment Levy Exemption Claims and Applications for Relief in Tenancy Actions)

The Committee Chair proposed amending R. 6:6-6 to provide for a new 20 day stay when a judgment-debtor files an objection to a levy. Judgment-debtors typically file objections to levy wherein the relief they need is really a motion to vacate. By providing for a 20 day stay, the objecting party has the time to file a motion to vacate the default judgment, if they want to, before the court decides the relief before them.

Creditors' advocates indicated that if the debtor does not file the motion to vacate the judgment within the new 20 day stay period, turnover should be automatically permitted. Debtors' advocates indicated that if a debtor files an objection to levy based upon an exemption, and the court finds the exemption to be valid, those funds should be immediately released from the levy. The debtors' advocates contended that the debtor should not have to wait until the return date of a motion to vacate the judgment to have use of the exempt funds.

The Committee Chair determined to hold this issue for further discussion during the next rules cycle.

B. Proposed revisions to Appendix XI-A(2) (Small Claims Summons and Return of Service)

The Committee considered amending Appendix XI-A(2) to address remote proceedings and provide information regarding the opportunity to settle the case prior to trial.

Some members expressed concern with some of the proposed revisions in that the summons would be delivered with the date and time left blank and only an insert advising defendants about the procedure for remote trials. Members further foresaw defaults being entered against defendants at mass Zoom or Teams' calendar calls that defendants did not understand that they needed to attend or participate in and/or had no means to do so.

The Committee Chair determined that this item required further discussion and held this item for the next rules cycle.

IV. MISCELLANEOUS

A. Potential Rule Amendments re: Technology and Social Media

During the 2018-2020 Rules Cycle, Acting Administrative Director of the Courts shared a New Jersey Law Journal article, “How the Internet Has Impacted the Procedural Practice of Family Law,” which discusses the evolution of family law due to technological advances. A number of Supreme Court Committees were asked to review and possibly recommend rule amendments deemed appropriate in order to account for technological and social media advances, not just in family cases, but in civil and other contexts.

Hon. Jack M. Sabatino, P.J.A.D., Chair of the Civil Practice Committee, formed the Technology and Social Media Subcommittee, chaired by the Hon. Jessica R. Mayer, J.A.D. and comprised of members from that Committee, to discuss whether social media may be used to serve process and to what extent it may be used for service of civil discovery.

The Subcommittee considered whether *R. 4:4-4* should be amended to expressly permit service of process via social media platforms. After a comprehensive review of all state, federal, and international court rules relevant to social media service of process, motion filings, etc., the Subcommittee recommended that *R. 4:4-4* not be revised.

The Special Civil Part Practice Committee was asked to review the Subcommittee’s recommendation not to amend *R. 4:4-4*. This Committee agreed

that *R. 4:4-4* is flexible enough to allow for substituted service by social media if a court finds it appropriate under the specific facts of a case.

Respectfully submitted,

Hon. William Anklowitz, J.S.C., Chair
Hon. Stephen L. Petrillo, J.S.C., Vice Chair
Hon. Aimee R. Belgard, P.J.Cv.
I. Mark Cohen, Esq.
Hon. J. Randall Corman, J.S.C.
Debra Dadic, Civil Division Manager
William DeGuilo, SCP Officer
Richard S. Eichenbaum, Esq.
Gerard J. Felt, Esq.
Kenneth M. Goldman, Esq.
Tracey Goldstein, Esq.
Linda G. Hampton, Esq.
Irene Hsieh, Esq.
Dawn M. Hines, Special Civil Part Officer
Jonathan H. Katz, Esq.
Lauren Keating, Esq.

Maria Kershaw, Asst. Civil Division Mgr.
Abdul Rehman Khan, Esq.
Nicholas J. Kikis, Lobbyist
Yongmoon (Elijah) Kim, Esq.
Christopher Koos, Asst. Civil Division Mgr.
David McMillin, Esq.
Hon. Joseph G. Monaghan, J.S.C.
Michael Ross Noveck, Esq.
Jose Ortiz, Esq.
Lauren Ashley Perrella, Esq.
Hon. Samuel J. Ragonese, Jr., J.S.C.
Rocco Sconzo, Special Civil Part Officer
John N. Ukegbu, Esq.
Henry C. Walentowicz, Esq.
Melissa Czartoryski, Esq., Committee Staff
Suvarna Sampale, Esq., Committee Staff

Dated: January 2022

LMJG

ATTACHMENT 1

Appendix XI-C
SMALL CLAIMS COMPLAINT (Contract, Security Deposit, Rent, or Tort)

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION, SPECIAL CIVIL PART
 SMALL CLAIMS SECTION

 Attorney for Plaintiff (if any)
 Address _____

 Telephone No. _____

 County
 Docket No. _____
 (to be provided by the court)

From Plaintiff

 Name
 Address _____

 Telephone No. _____

**CIVIL ACTION
 COMPLAINT**

To Defendant

 Name
 Address _____

 Telephone No. _____

- Contract
- Security Deposit
- Rent
- Personal Injury or Property Damage (other than motor vehicle)

COMPLAINT

Demand: \$ _____ plus costs.
 Type or print the reasons you, the Plaintiff(s), are suing the Defendant(s): Attach additional sheets if necessary.

IMPORTANT: Plaintiffs and defendants must bring all witnesses, photos, and documents, and other evidence to the hearing. Subpoena forms are available at the Clerk's office to require the attendance of witnesses.

At the trial Plaintiff will require:

- An interpreter Yes No Indicate Language: _____
- An accommodation for disability Yes No Indicate Disability: _____

I certify that the matter in controversy is not the subject of any other court action or arbitration proceeding, now pending or contemplated, and that no other parties should be joined in this action.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*.

 Date

 Plaintiff's Signature

 Plaintiff's Name Typed, Stamped or Printed

Note: Adopted effective January 2, 1989; amended June 29, 1990, effective September 4, 1990; amended July 14, 1992, effective September 1, 1992; amended July 5, 2000, effective September 5, 2000; amended July 19, 2012 to be effective September 4, 2012; Appendix XI-C eliminated to be effective

**Appendix XI-D
SMALL CLAIMS COMPLAINT (Motor Vehicle)**

Name of Attorney for Plaintiff (if any)	Name of Court
Address	Address
Telephone No.	Telephone No.

From Plaintiff:

Name:	SUPERIOR COURT OF NEW JERSEY LAW DIVISION, SPECIAL CIVIL PART SMALL CLAIMS SECTION
Address	
Telephone No.	
	_____ County
	Docket No. _____

To Defendant:

Name:	CIVIL ACTION COMPLAINT Motor Vehicle
Address	
Telephone No.	

COMPLAINT

Plaintiff says the negligence of the defendant operator and/or defendant owner caused a motor vehicle accident resulting in property damage to plaintiff's vehicle, in the following accident:

- | | |
|----------------------------|------------------------|
| 1. Date of Accident: _____ | 3. Place of Accident: |
| 2. Name of Defendant(s): | a) Street: _____ |
| a) Owner: _____ | b) Municipality: _____ |
| b) Operator: _____ | c) County: _____ |

Demand: \$ _____

**Appendix XI-E
Answer (Auto Accident)**

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.

Filing Attorney Information or Pro Se Litigant:

Name _____
NJ Attorney ID Number _____
Address _____

Telephone Number _____

Plaintiff's Name

Street Address

Town, State, Zip Code

Telephone Number

vs.

Defendant's Name

Street Address

Town, State, Zip Code

Telephone Number

**Superior Court of New Jersey
Law Division: Special Civil Part**

County
Docket Number: DC- _____

**Civil Action
Answer
(Auto Accident)**

Defendant(s), by way of answer to the complaint, say(s):

I / We admit deny that the accident took place on the date stated in the complaint.

I / We admit deny that I was the owner of the vehicle on the date of the accident.

I / We admit deny that I was the operator of the vehicle on the date of the accident.

I / We admit deny that the accident took place at the location stated in the complaint.

The accident alleged in the complaint was not my/our fault because:

- Trial by jury requested; an extra \$100 cash, check or money order is submitted.
- Trial by jury requested; and I have submitted an application for a waiver of the \$100.00 fee.

At the trial, Defendant requests:

An interpreter Yes No Indicate Language _____
 An accommodation for a disability Yes No

Requested accommodation _____

Certification

I certify, to the best of my knowledge:

Must check one

- that the above matter is not the subject of any other court action or arbitration proceeding now pending or contemplated, or
- that the following actions or arbitration proceedings are pending or contemplated

AND

Must check one

- that no other parties should be joined in this action; or
- that the following persons or entities should be joined in this action

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*.

I further certify that this answer was served by me upon all existing parties

Dated

Defendant's Signature

Defendant's Name - Typed or Printed

- DEMAND FOR PRODUCTION OF DOCUMENTS PURSUANT TO R. 4:18-2. By checking this box, demand is made for production of all documents or papers referred to in the pleading for which this answer is provided, within 5 days of this demand.

Note: Adopted effective January 2, 1989; amended July 13, 1994 to be effective September 1, 1994; amended July 19, 2012 to be effective September 4, 2012; amend July 27, 2018 to be effective September 1, 2018; Appendix XI-E deleted to be effective.

Appendix XI-F Answer (Contract)

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.

Filing Attorney Information or Pro Se Litigant:

Name _____
NJ Attorney ID Number _____
Address _____
Telephone Number _____

Plaintiff's Name

Street Address

Town, State, Zip Code

Telephone Number

vs.

Defendant's Name

Street Address

Town, State, Zip Code

Telephone Number

**Superior Court of New Jersey
Law Division: Special Civil Part**

County
Docket Number: DC- _____

**Civil Action
Answer**

Defendant denies owing the debt to the Plaintiff. Check the appropriate statement(s) below which set forth why you claim you do not owe money to the plaintiff or owe less than the Plaintiff is claiming.

- The bill has been paid
- The dollar amount claimed by the plaintiff(s) is incorrect.
- The claim or the amount of the claim is unfair. (Must explain below)
- The goods or services were not received.
- The goods or services received were defective.
- I/We did not order the goods or services.
- I am a victim of identity theft or mistaken identity.
- The time has passed for plaintiff to sue on this debt.
- This debt has been discharged in bankruptcy.
- A lawsuit was previously filed and the claim has been resolved. (Must explain below)
- Defendant is in the military on active duty.

- Plaintiff did not file this lawsuit in the proper place. (Must explain below)
- Other – Set forth any other reasons why you believe money is not owed to the plaintiff(s).
(You may attach more sheets if you need to.)

- Trial by jury requested; an extra \$100 cash, check or money order is submitted.
- Trial by jury requested; and I have submitted an application for a waiver of the \$100.00 fee.

At the trial, Defendant requests:

An interpreter Yes No Indicate Language _____
 An accommodation for a disability Yes No

Requested accommodation _____

Certification

I certify, to the best of my knowledge:

Must check one

- that the above matter is not the subject of any other court action or arbitration proceeding now pending or contemplated, or
- that the following actions or arbitration proceedings are pending or contemplated

AND

Must check one

- that no other parties should be joined in this action; or
- that the following persons or entities should be joined in this action

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*.

I further certify that this answer was served by me upon all existing parties.

Dated

Defendant's Signature

Defendant's Name - Typed or Printed

- DEMAND FOR PRODUCTION OF DOCUMENTS PURSUANT TO R. 4:18-2.** By checking this box, demand is made for production of all documents or papers referred to in the pleading for which this answer is provided, within 5 days of this demand.

Note: Adopted effective January 2, 1989; amended July 13, 1994 to be effective September 1, 1994; amended July 19, 2012 to be effective September 4, 2012; amended November 12, 2014 to be effective November

17, 2014; amended July 27, 2018 to be effective September 1, 2018; Appendix XI-F deleted to be effective _____.

Appendix XI-I. Notice of Application For Wage Application

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.

Plaintiff or Filing Attorney Information: Check if new address/phone number

Name _____

NJ Attorney ID Number _____

Address _____

Telephone Number _____

Superior Court of New Jersey
Law Division, Special Civil Part
_____ County

Docket No: _____

Civil Action

_____,
Plaintiff,

v.

_____,
Defendant(s).

Notice of Application for Wage Execution

To: _____
Name of Judgment-Debtor

Address _____

TAKE NOTICE that an application is being made by the judgment-creditor to the above-named court, located at _____, New Jersey for a Wage Execution Order to issue against your salary, to be served on your employer, _____, (name and address of employer), for: (a) 10% of your gross salary when the same shall equal or exceed the amount of \$217.50 per week; or (b) 25% of your disposable earnings for that week; or (c) the amount, if any, by which your disposable weekly earnings exceed \$217.50, whichever shall be the least. Disposable earnings are defined as that portion of the earnings remaining after the deduction from the gross earnings of any amounts required by law to be withheld. In the event the disposable earnings so defined are \$217.50 or less, if paid weekly, or \$435.00 or less, if paid every two weeks, or \$471.25 or less, if paid twice per month, or \$942.50, or less, if paid monthly then no amount shall be withheld under this execution. In no event shall more than 10% of gross salary be withheld and only one execution against your wages shall be satisfied at a time. Your employer may not discharge, discipline or discriminate against you because your earnings have been subjected to garnishment.

You may notify the Clerk of the Court and the attorneys for the judgment- creditor, whose address appears above, in writing, within ten days after service of this notice upon you, why such an Order should not be issued, and thereafter the application for the Order will be set down for a hearing of which you will receive notice of the date, time and place.

If you do not notify the Clerk of the Court and the judgment-creditor's attorney, or the judgment-creditor if there is no attorney, in writing of your objection, you will receive no further notice and the Order will be signed by the Judge as a matter of course.

You also have a continuing right to object to the wage execution or apply for a reduction in the amount withheld even *after* it has been issued by the Court. To object or apply for a reduction, file a written statement of your objection or reasons for a reduction with the Clerk of the Court and send a copy to the creditor's attorney or directly to the creditor if there is no attorney. You will be entitled to a hearing within 7 days after you file your objection or application for a reduction.

Certification of Service

I served the within Notice upon the judgment-debtor, _____, on this date by sending it simultaneously by regular and certified mail, return receipt requested, to the judgment-debtor's last known address, set forth above. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to the punishment.

Date

Attorney for Judgment-Creditor or Judgment-Creditor Pro Se

Note: Adopted 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 July 22, 2014 to be effective September 1, 2014; amended August 1, 2016 to be effective September 1, 2016; amended September 14, 2018 effective retroactive September 1, 2018; Appendix XI-I deleted _____ to be effective _____.

Appendix XI-K

LETTER TO CREDITOR RE CERTIFICATE OF SATISFACTION

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION, SPECIAL CIVIL PART

COUNTY

RE: _____ v. _____ Docket No.

Dear:

The judgment debtor in the above matter has filed a written application with this office asserting that the judgment has been satisfied in full. The judgment debtor is seeking the issuance of a Certificate of Satisfaction of Judgment pursuant to *Rule* 6:6-5. Copies of the written application and proof of payment are annexed hereto.

If you object to the issuance of a Certificate of Satisfaction of Judgment, you must file with the Clerk of the Court a written objection within 10 days from the date of this letter and serve a copy of said objection upon the judgment debtor. If you do not file a written objection, the Clerk will issue the Certificate of Satisfaction of Judgment to the judgment debtor. If an objection is filed, the matter will be set down for a hearing and all parties will be notified as to the date of said hearing.

Very truly yours,

Clerk of the Court

Note: Former Appendix XI-J adopted January 2, 1989 to be effective immediately; redesignated as Appendix XI-K July 13, 1994 to be effective September 1, 1994; Appendix XI-K deleted _____ to be effective _____.

Appendix XI-T Certification by Landlord

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.

YOU MUST COMPLETE THIS PART: Filing Attorney Information or Landlord:

Name _____
 NJ Attorney ID Number _____
 Address _____

 Telephone Number _____

_____,
 Plaintiff,
 v.
 _____,
 Defendant.

Superior Court of New Jersey
 Law Division, Special Civil Part
 _____ County
 Landlord-Tenant Division
 Docket Number: LT _____
 Civil Action
Certification by Landlord

The landlord should complete Part A or Part B or both (if both apply). Cross out any paragraphs in those parts that do not apply in this case. Part C applies to all cases and must be completed.

A. When the Eviction is Based on Unpaid Rent

1. The tenant has failed to pay rent now due and owing in the amount of \$_____. That amount consists of basic rent of \$_____, late charges of \$_____, legal fees *relating to this action for eviction* of \$_____, filing fees and costs of \$_____, and other (specify) _____.
2. All of the items listed above are included in the lease agreement as rent.
3. All of those items are permitted by applicable federal, state and local laws (including rent control or rent leveling, if applicable) to be charged as rent for purposes of this action.

B. When the Eviction is Based on Other Grounds

Eviction is sought because:

C. In All Cases

1. I have attached a copy of all notices that have been served on the tenant.
2. These notices were served on the tenant (select all that apply)
 by ordinary mail, by certified mail, personally, on _____.
3. All of the facts stated in the notices are true.
4. If I proceeded without an attorney, I certify that I own the property in my own name or in the name of a general partnership of which I am a partner.
5. I have complied with the registration requirements of *N.J.S.A. 46:8-27 et seq.*
6. The tenant did not transfer ownership to me and I have not given the tenant an option to buy the property.

7. The tenant is not in the military service of the United State nor any of its allies, nor is the premises used for dwelling purposes of the spouse, a child or other dependent of a person in the military service of the United States.

I, the landlord, certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: _____

Landlord Signature

Print Name

Note: Appendix XI-T adopted July 18, 2001 to be effective November 1, 2001; amended July 27, 2006 to be effective September 1, 2006; amended July 9, 2008 to be effective September 1, 2008; Appendix XI-T deleted to be effective _____.

Appendix XI-U
Certification by Landlord's Attorney

Plaintiff	SUPERIOR COURT OF NEW JERSEY LAW DIVISION, SPECIAL CIVIL PART COUNTY
v.	LANDLORD-TENANT DIVISION
Defendant	DOCKET #LT _____ Certification by Landlord's Attorney

1. I am the attorney for the landlord in this matter and make this certification pursuant to *Rule 6:6-3(b)* or *Rule 6:6-4*.
2. The landlord has asserted that the tenant has failed to pay rent now due and owing in this matter.
3. I have reviewed the applicable federal, state and local law and the written lease between the parties, and in my opinion the charges and fees sought, other than the base rent, are permitted to be included in the rent for purposes of this action.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: _____

Printed name:

Note: Appendix XI-U adopted July 18, 2001 to be effective November 1, 2001; Appendix XI-U deleted to be effective.

Appendix XI-W
Consent to Enter Judgment for Possession (Tenant Vacates)

Plaintiff

v.

Defendant

Superior Court of New Jersey
Law Division, Special Civil Part

County
Landlord-Tenant Division

Docket Number LT-

Consent to Enter Judgment
(Tenant Required to Vacate)

The Tenant and Landlord hereby agree that:

1. The Tenant **agrees to the immediate entry of a Judgment for Possession and that the Warrant of Removal may issue and be served upon the Tenant at the Landlord's request, as permitted by law. The Landlord agrees that the warrant of removal cannot be executed (no eviction) until _____, ("the move out date"), unless the Tenant fails to comply with Paragraph 2(b).**

2. Check one of the following:

The Tenant shall pay no money, or

The Tenant shall pay \$_____, as follows:

3. a. If the Tenant does not make all payments required in paragraph 2(B) of this Agreement, the Tenant agrees that the Landlord, with notice to the Tenant, can file a certification stating when and what the breach was and that the warrant of removal can then be executed upon, as permitted by law, prior to the agreed upon **move out date**.

b. **Even if the Tenant does make all payments required in Paragraph 2(b), Tenant still agrees to move no later than _____. If the Tenant does not move by that date, the Landlord can have the Tenant evicted, as permitted by law. The 30-day period to execute upon a warrant of removal is agreed between the Landlord and Tenant to be extended to incorporate the move out date.**

Date: _____

Landlord's Attorney

Tenant's Attorney

Landlord

Tenant

, J.S.C.

Judge

Note: The Certification by Landlord and the Certification of Landlord's Attorney (if the Landlord has an attorney) are attached hereto.

Note: Appendix XI-W adopted July 18, 2001 to be effective November 1, 2001; amended July 19, 2012 to be effective September 4, 2012; amended July 31, 2020 to be effective September 1, 2020; Appendix XI-W deleted to be effective _____.

**Appendix XI-Y
Writ of Possession**

Plaintiff

Address

City, State, Zip Code

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, SPECIAL CIVIL PART**
_____ COUNTY

DOCKET NO. _____

CIVIL ACTION

WRIT OF POSSESSION

Plaintiff

v.

Defendant

Do Not Write Below This Line – For Court Use Only

THE STATE OF NEW JERSEY TO THE SHERIFF OF _____ COUNTY:

WHEREAS, on _____, 20__, by a certain judgment of the Superior Court of New Jersey, Law Division, Special Civil Part, _____ County, in a cause therein pending, wherein _____ is (are) the Plaintiff(s) and _____ is (are) the Defendant(s), it was ordered and adjudged that the Plaintiff(s) recover the possession of the lands and premises, with appurtenances, described in the Complaint from the Defendant(s) which premises are located at:

Street Address

City, State, Zip Code

the possession of which the Defendant(s) have unlawfully deprived the Plaintiff(s), as appears to us of record.

Therefore, you are hereby COMMANDED without delay, to restore Plaintiff(s) to possession of his/her/their property; and return this writ to the Office of the Special Civil Part within 14 days of its issuance.

WITNESS, the Honorable _____, Judge of the Superior Court at _____, this ____ day of _____, 20__.

Certification of Execution of Writ for Possession

Date and Time Executed: _____

Signature of Sheriff's Officer

Printed or Typed Name of Officer

Note: Adopted July 19, 2012 to be effective September 4, 2012; amended September 14, 2018 to be effective retroactive to September 1, 2018; Appendix XI-Y deleted
to be effective.

Appendix XI-Z

Answer & Crossclaim, Counterclaim and/or Third Party Complaint

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.

Filing Attorney Information or Pro Se Litigant:

Name _____
 NJ Attorney ID Number _____
 Address _____
 Telephone Number _____

Plaintiff's Name _____
 Street Address _____
 Town, State, Zip Code _____
 Telephone Number _____

vs.

Defendant's Name _____
 Street Address _____
 Town, State, Zip Code _____
 Telephone Number _____

Superior Court of New Jersey
Law Division: Special Civil Part
 _____ County

Docket Number: DC- _____

**Civil Action
 Answer**

AND

- Counterclaim**
- Cross-claim**
- Third Party Complaint**

Defendant denies owing the debt to the Plaintiff. Check the appropriate statement(s) below which set forth why you claim you do not owe money to the plaintiff or owe less than the Plaintiff is claiming.

- The bill has been paid
- The dollar amount claimed by the plaintiff(s) is incorrect.
- The claim or the amount of the claim is unfair. *(Must explain below)*
- The goods or services were not received.
- The goods or services received were defective.
- I/We did not order the goods or services.
- I am a victim of identity theft or mistaken identity.
- The time has passed for plaintiff to sue on this debt.
- This debt has been discharged in bankruptcy.
- A lawsuit was previously filed and the claim has been resolved. *(Must explain below)*
- Defendant is in the military on active duty.
- Plaintiff did not file this lawsuit in the proper place. *(Must explain below)*

Other – Set forth any other reasons why you believe money is not owed to the plaintiff(s).
(You may attach more sheets if you need to.)

- I have a claim against the plaintiff(s). [Counterclaim]
- I have a claim against another defendant(s). [Crossclaim] _____
- have a claim against the following 3rd party (new party) [Third Party Complaint:

You **must** provide a statement of facts below as to why the plaintiff(s) and/or named defendant(s) and/or third party defendant(s) are at fault: (You may attach additional sheets if necessary)

Defendant's Demand:

I have a claim and demand judgment for \$ _____, plus interest, costs, attorney fees, if any, and such other relief as the court deems proper.

Name of Third Party Defendant(s)

Street Address

Town, State, Zip Code

Telephone Number

- Trial by jury requested; an extra \$100 cash, check or money order is submitted.
- Trial by jury requested; and I have submitted an application for a waiver of the \$100.00 fee.

At the trial, Defendant requests:

An interpreter Yes No Indicate Language _____

An accommodation for a disability Yes No

Requested accommodation _____

Certification

I certify, to the best of my knowledge:

Must check one

- that the above matter is not the subject of any other court action or arbitration proceeding now pending or contemplated, or
- that the following actions or arbitration proceedings are pending or contemplated

AND

Must check one

- that no other parties should be joined in this action; or
- that the following persons or entities should be joined in this action

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted

from all documents submitted in the future in accordance with *Rule* 1:38-7(b). I further certify that this answer was served by me upon all existing parties.

Dated

Defendant's Signature

Defendant's Name - Typed or Printed

- Demand for Production of Documents Pursuant to R. 4:18-2.** By checking this box, demand is made for production of all documents or papers referred to in the pleading for which this answer is provided, within 5 days of this demand.

Note: Adopted July 27, 2018 to be effective September 1, 2018; Appendix XI-Z deleted
to be effective _____.