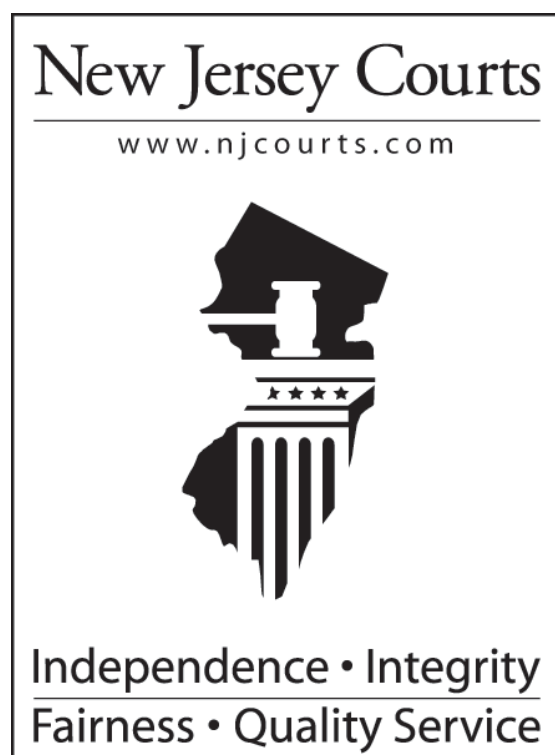


**NEW JERSEY JUDICIARY**  
**COLLECTING**  
**A**  
**MONEY JUDGMENT**



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

If money is owed you because you have been awarded a judgment in the Special Civil Part, you are a judgment creditor. You should contact the person who owes you the money (the judgment debtor) to discuss payment. Payments sometimes are made on the day of the court hearing or over time. If you do not receive the money that is owed you, there are several ways the court can help you collect it.

Although the court will try to help you collect the money owed to you, it cannot guarantee your debt will be paid. The forms for the different methods of collection outlined in this brochure are available from the Office of the Clerk of the Special Civil Part in the county where the case was heard. A complaint packet for self-represented litigants with accompanying instructions is available from the clerk's office and is available on the Internet at [njcourts.com](http://njcourts.com).

## **Execution on Goods and Chattels (Personal Property)**

An execution on goods and chattels lets the court try to collect the money owed on a judgment from the debtor's bank account or personal property. (Real estate cannot be used to collect money owed in the Special Civil Part.) You must locate and identify the debtor's personal property that can be used to satisfy your judgment. You may, for example, ask that a court officer try to sell personal items such as office equipment, etc., at a public sale. The debtor may keep \$1,000 worth of personal property.

If the debtor does not have \$1,000 in personal property, this method cannot be used to satisfy your judgment and to collect the money owed to you.

If you ask that the court officer seize the debtor's motor vehicle, you must be able to show that the vehicle is registered in the name of the debtor. This is done by getting a certified copy of the title and a certified lien search from the New Jersey Motor Vehicle Commission.

The fee for this procedure is \$5 plus an applicable mileage charge. The clerk or court officer will inform you of additional fees to advertise and sell the property when and if these events occur. A writ of execution is good for two years from the date it is issued, and can be renewed.

## **Bank Levy**

If you know or can find out where the debtor has a savings or checking account in New Jersey, you may ask that a court officer collect your debt from the money in the account. You must provide the name of the bank, the address, and the account number, if possible. Court officers are not required to search for bank accounts.

After the money has been levied upon by the Court Officer, it is considered frozen. You must then file a Motion to Turn Over Funds with the court and serve a copy upon the debtor and the bank. If the court grants the motion, the judge will sign the Order to Turn Over Funds that you submitted with your motion. This order will be delivered to the bank by the Court Officer.

The fee for this procedure is \$5 plus mileage for each trip to the bank by the court officer. If there is a new address subsequently provided to the officer where an asset may be available to satisfy the judgment, an additional mileage fee is then charged. (A packet for self-represented litigants on how to file a motion to turnover funds is available in any Special Civil Part Clerk's Office and is available on the Internet at [njcourts.com](http://njcourts.com).)

## Execution Against Wages

An execution against a person's wages can be requested if the debtor works in New Jersey and earns more than \$217.50 per week. To request a wage execution, you must send a Notice of Application for Wage Execution to the debtor by regular and certified mail. A copy of the application and a statement of how you mailed the application to the debtor must be filed with the Office of the Clerk of the Special Civil Part in the county where the case was heard.

If the debtor objects to the wage execution, *before or even after it is issued, a hearing will immediately be scheduled* by the court. If the debtor does not object or the court does not allow the objection, an order for a wage execution will be issued and the wage execution will be delivered to the debtor's employer by the court officer. The employer will hold back a portion of the debtor's pay, in accordance with the Order for Wage Execution, and will send this money to the court officer, who will then send it to you. The fee for this procedure is \$5 plus mileage for the trip to the debtor's employer.

## General Information About Writs Of Execution

The court cannot levy on child support, welfare benefits, Social Security benefits, SSI, veterans' benefits or unemployment benefits. Once you apply and the court issues a writ of execution on goods and chattels (personal property) or wages, it is assigned to a Special Civil Part court officer for collection. By law, there is a 10 percent fee added to the amount of the judgment as the court officer's commission. This fee is listed on the writ and is payable to the court officer as the judgment is collected. The 10 percent is taken from the money collected by the court officer. Once a writ of execution is issued, the payments should be made directly to the court officer or the court and not directly to you as the creditor. The court officer or other court staff handle the bookkeeping, deduct the appropriate commission and send the balance to you. After a writ is returned by the court officer marked fully satisfied, the clerk of the Special Civil Part will enter the satisfaction in the record.

In some instances, after a levy has been made by the court officer or contact has been made with the debtor, settlement discussions may occur between you and the debtor. In making a settlement with the debtor, remember that the officer who has made "a valid levy or has in some way helped produce payment, *is entitled by law to receive 10 percent commission on any amount paid.*" Any partial or full payment made directly to you is subject to the commission that must be paid to the court officer.

## Docketed Judgment

If you or a court officer cannot collect the money due you on the judgment, you may have the judgment from the Special Civil Part recorded in the Superior Court Clerk's Office in Trenton. Once your judgment is recorded in the Superior Court, the debtor cannot sell with clear title any real estate owned in New Jersey until your debt is paid.

To record a judgment, you should request a Statement for Docketing from the Clerk of the Special Civil Part in the county where the case was heard. The Statement for Docketing must be filed with the Clerk of the Superior Court, Hughes Justice Complex, PO Box 971, Trenton, N.J. 08625.

The fee for filing a Statement for Docketing is \$10, payable to the *Treasurer, State of New Jersey*. There is no fee in the Special Civil Part for issuing the statement. Once docketed, future efforts to collect a judgment originally awarded in the Special Civil Part must be made through the Sheriff's Office in the county where the debtor's assets are located.

## Information Subpoena

If you do not know where the judgment debtor has a savings or checking account, what personal property the debtor owns, or where the debtor works, you may obtain an information subpoena from the Office of the Special Civil Part Clerk. An information subpoena is a court paper containing a written set of questions about the debtor's assets.

You may serve an original and one copy of an information subpoena upon the debtor either personally or by registered or certified mail, return receipt requested, and simultaneously by regular mail. You also must provide a postage-paid, self-addressed envelope with the information subpoena. The debtor must answer and return the information subpoena to you within 14 days from the date on which it was served. An information subpoena cannot be served more than once in a six month period without approval of the court. If the debtor does not answer the information subpoena, he or she is subject to contempt sanctions enforceable by the court.

If the debtor has not fully answered this information subpoena within 21 days from the date on which it was served, you may make an application supported by a certification to the court for an order allowing you to serve a separate information subpoena upon banking institutions, employers or businesses who owe money to the debtor. If the court signs the order, this information subpoena may also be obtained from the office of the Special Civil Part. You may then serve an original and one copy of this information subpoena either personally or by registered or certified mail, return receipt requested, and simultaneously by regular mail. You must also provide a postage-paid, self-addressed envelope. If a party upon whom this information subpoena is served does not provide written answers within 14 days from the date it was served, they are subject to sanctions enforceable by the court.

## Court Order for Discovery

Another approach for seeking information about a debtor's assets is to file with the court a petition stating the amount due on the judgment and asking the court to issue an order requiring the debtor or any person who has information about the debtor's assets to answer questions concerning these assets at a place and time specified in the court order. A person may be required to appear only once without another court order.

You may serve a copy of the order for discovery upon the debtor or other person either personally or by registered or certified mail, return receipt requested, and simultaneously by regular mail at least 10 days before the appearance date.

If the debtor or person named in the court order does not comply with the court order and fails to appear at the specified time and place to provide information about the debtor's assets, he or she is subject to contempt sanctions enforceable by the court.

## Collecting an Out of State Judgment

Article 4 of the United States Constitution provides that a judgment awarded in a court of one state is entitled to full faith and credit in the courts of another state. A judgment from another state can be enforced by docketing it with the clerk of the Superior Court in Trenton. It will then be a lien on any real estate owned by the debtor in New Jersey and other collection efforts must be made through the Sheriff's Office in the county where the debtor has assets. Contact the Superior Court Clerk's Office at 609-421-6100 for further information.

Alternatively, you can attempt collection or enforcement of an out of state judgment for \$15,000 or less in the Special Civil Part by filing a complaint, with an exemplified copy of the out of state

judgment attached, in the Office of the Clerk of the Special Civil Part in the county where the debtor lives or is located. Staff of that office will inform you of the applicable fees.

### **Settlement**

If a case is settled before trial, the plaintiff is responsible for filing a stipulation of dismissal with the Special Civil Part. If a judgment is paid, with or without the aid of a court officer, the plaintiff is responsible for filing a warrant of satisfaction with the Special Civil Part. The warrant of satisfaction is a document that satisfies the judgment of record.

**For a complete listing of the Directory of Statewide Superior Court Special Civil Part Clerk's Offices, please refer to the on-line file located at:**

**[http://www.njcourts.com/prose/10150\\_spcclerkofc.pdf](http://www.njcourts.com/prose/10150_spcclerkofc.pdf)**

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