



## HOW TO USE THIS ONLINE FORM

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This form can be filled out on screen, saved to your local drive, and printed out on your local printer or it can be printed out on your local printer for completion by hand or typewriter.

**The information you enter is NOT submitted electronically.**

**Special Civil  
Motion To Turn Over  
Funds 3/1/06**



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## **HOW TO ASK THE COURT TO ORDER A BANK TO TURN OVER FUNDS THAT HAVE BEEN FROZEN**

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A **MOTION** is a written request which asks the court to issue an order, or to change an order it has already issued.

### **WHO SHOULD USE THIS PACKET?**

**You may use this packet** if you want to file a Motion to Turn Over Funds that have been levied by a Special Civil Part Court Officer and frozen by a Bank. **You cannot use this packet until the debtor's funds have been frozen. You can talk to the court about freezing a debtor's funds.**

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### **GENERAL REQUIREMENTS:**

1. When you file a motion to order a bank to turn over funds that have been frozen, you have to file all of the following papers contained in this packet:
  1. Notice of Motion
  2. Certification of Service
  3. Certification of Levy
  4. Notice to Debtor
  5. Turn Over Order
2. Funds cannot be turned over until twenty (20) days after the date the levy was made by a Special Civil Part Court Officer. The Court Officer must provide you with a completed Certification of Levy and a Notice to the Debtor form which explains this process in more detail.
3. Your motion must be properly completed and served upon all parties involved in the case. Any one of the parties can respond to your motion within 10 days.
4. There is no fee for filing this motion in the Special Civil Part.

**NOTE:** These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The guides, instructions and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the forms will be available at the county courthouse or on the Judiciary's Internetsite ([www.judiciary.state.nj.us](http://www.judiciary.state.nj.us)). However, you are ultimately responsible for the content of your court papers.

**Send your completed forms to**

## THINGS TO THINK ABOUT BEFORE YOU REPRESENT YOURSELF IN COURT

### TRY TO GET A LAWYER

The court system can be confusing and it is a good idea to get a lawyer if you can. If you cannot afford a lawyer, you may contact the legal services program in your county to see if you qualify for free legal services. Their telephone number can be found in your local yellow pages under "Legal Aid" or "Legal Services."

If you do not qualify for free legal services and need help in locating an attorney, you can contact the bar association in your county. Their telephone number can also be found in your local yellow pages. Most county bar associations have a Lawyer Referral Service. The County Bar Lawyer Referral Service can supply you with the names of attorneys in your area willing to handle your particular type of case and sometimes consult with you at a reduced fee.

There are also a variety of organizations of minority lawyers throughout New Jersey, as well as organizations of lawyers who handle specialized types of cases. Ask your county court staff for a list of lawyer referral services that include these organizations.

### WHAT YOU SHOULD EXPECT IF YOU REPRESENT YOURSELF

While you have the right to represent yourself in court, you should not expect any special treatment, help, or attention from the court. You must still comply with the Rules of the Court, even if you are not familiar with them. The following is a list of some things the court staff can and cannot do for you. Please read it carefully before asking the court staff for help.

*-We can* explain and answer questions about how the court works.

*-We can* tell you what the requirements are to have your case considered by the court.

*-We can* give you some information from your case file.

*-We can* provide you with samples of court forms that are available.

*-We can* provide you with guidance on how to fill out forms.

*-We can* usually answer questions about court deadlines.

*-We cannot* give you legal advice. Only your lawyer can give you legal advice.

*-We cannot* tell you whether or not you should bring your case to court.

*-We cannot* give you an opinion about what will happen if you bring your case to court.

*-We cannot* recommend a lawyer, but we can provide you with the telephone number of a local lawyer referral service.

*-We cannot* talk to the judge for you about what will happen in your case.

*-We cannot* let you talk to the judge outside of court.

*-We cannot* change an order issued by a judge.

### KEEP COPIES OF ALL PAPERS

Make and keep for yourself copies of all completed forms and any canceled checks, money orders, sales receipts, bills, contract estimates, letters, leases, photographs, and other important documents that relate to your case.

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## DEFINITIONS OF WORDS THAT MAY BE USED IN THIS PACKET

**Adversary:** An *adversary* is a party whose interests are opposed to or opposite the interests of another party.

**Certification of Levy:** A *certification of levy* is a document which verifies that a levy has been made on a bank account. (See definition of levy below.)

**Defendant:** The *defendant* is the person (party) against whom the court action (complaint) was filed.

**Docket Number:** The number the court assigned to this case when the complaint was filed. The docket number is listed on the complaint and answer.

**File:** To *file* means to give the appropriate forms and fee to the court to begin the court's consideration of your request.

**Judgment:** A *judgment* is the official decision of a court in a case.

**Judgment Creditor:** The *judgment creditor* is the party to whom money is owed.

**Judgment Debtor:** The *judgment debtor* is the party who owes money.

**Levy:** A *levy* means obtaining money by legal process by seizing the judgment debtor's property which is taken to secure or satisfy a judgment.

**Motion:** A *motion* is a written request in which you ask the court to issue an order, or to change an order it has already issued.

### Oral

**Argument:** Personally appearing in court to explain what you want the court to do.

### Order to Turn Over

**Funds:** An *Order to Turn Over Funds* is a signed paper from the judge telling someone they must pay money to someone else.

**Party:** A *party* is a person, business or governmental agency involved in a court action.

**Plaintiff:** The *plaintiff* is the person (party) who started the court action by filing the complaint.

**Return Date:** *Return Date* is the date the plaintiff and defendant are ordered to appear in court.

**Service:** Mailing or delivering copies of your papers to the lawyer for the other party or to the other party if there is no lawyer.

## HOW TO FILE A MOTION TO TURN OVER FUNDS IN THE SPECIAL CIVIL PART

The numbered steps listed below tell you what forms you will need to fill out, and what to do with them.

Each form should be typed or clearly printed on 8 ½" x 11" white paper only. Forms may not be filed on a different size or color paper.

### STEPS FOR FILING YOUR MOTION IN THE SPECIAL CIVIL PART

#### STEP 1: Fill out the **NOTICE OF MOTION (FORM A)**

The *Notice of Motion* tells the court what you want the court to do. Make sure to include the docket number of your case and sign your name where requested.

#### STEP 2: Fill out the **CERTIFICATION OF SERVICE (FORM B)**

The *Certification of Service* tells the court how you got the papers to the other party or parties and the date on which you did so.

#### STEP 3: Fill out the top portion of the **ORDER (FORM C)**

The *Order* is the document that grants or denies what you are asking for in the case. You must fill out the top portion of the Order. The instructions will tell you how. Leave the bottom half of the Order blank for the judge to complete.

#### STEP 4: Get the proper forms listed below from the Special Civil Part Court Officer

If you have not already received them, obtain the following completed forms from the Special Civil Part Court Officer assigned to handle the bank levy:

- Certification of Levy
- Notice to Debtor

These forms must be attached to the motion you file with the court.

#### STEP 5: Check your completed forms

Check your forms and make sure they are complete. **Remove all instruction sheets.** Make sure you have signed the forms where you are asked to sign them.

**You must have all of the following items in this order:**

- Notice of Motion (Form A)
- Certification of Service (Form B)
- Certification of Levy (Step 4)
- Notice to Debtor (Step 4)
- Order (Form C)

**STEP 6: Mail or deliver your package of completed papers to the court and all other parties in the case.**

- Make enough copies so that you will have at least one for yourself and two copies for every other party in the case, including the bank. Each party must be sent one copy by certified mail, return receipt requested and one by regular mail.
- You can deliver or mail your original motion papers to the court. You must mail the motion to all other parties in the case by certified mail, return receipt requested and regular mail. With certified mail, you will get a green receipt card that can serve as proof that you mailed the motion to the other party. Your post office can tell you how to send certified mail, return receipt requested.
- In the motion papers you mail to the court, include two additional copies of the *Order* along with the original motion papers and a self-addressed, stamped envelope. The court will return the extra copies of the Order to you along with the court's decision only if a self-addressed stamped envelope is provided.

**When you receive a copy of the court's Order signed by the judge, you are then required to provide a copy of the Order to all other parties involved in this motion.**

**(Continued on next page)**

## **STEP 7: Requesting Oral Argument**

You may ask for oral argument, which means you are asking to personally appear in court to explain what you want the court to do. Motions will be decided by the judge without oral argument unless one of the parties requests it and the judge grants that request. Even if no one requests oral argument, the court may still require oral argument. If there is going to be oral argument, you will be notified of the time, date, and place. Check whether or not you want to request oral argument on the *Notice of Motion*. (FORM A)

### **CHECKLIST:**

- Make enough copies of the forms so that you will have two copies for every party in the case (one for certified mail and one for regular mail) including yourself.
  
- Mail or deliver all of the original motion papers to the court (FORM A, FORM B, FORM C plus the Certification of Levy and Notice to Debtor described in Step 4 on page 5).
  
- Keep at least one copy of the completed motion packet for your own records.

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**INSTRUCTIONS FOR COMPLETING FORM A  
(NOTICE OF MOTION)**

- F.** Type or print the Plaintiff's name, address and telephone number where Form A asks you to do so at the top of the form. If you are the Plaintiff in the case, type or print your name, current address and telephone number. If you are not the Plaintiff, type or print the name, current address and telephone number of the person who is the Plaintiff.
  
- B.** Type or print the Defendant's name, current address and telephone number where Form A asks you to do so on the form. If you are the Defendant in the case, type or print your name, current address and telephone number. If you are not the Defendant, type or print the name, current address and telephone number of the person who is the Defendant.
  
- C.** Where it says *Docket No.*, fill in the docket number of your case. (You can get this number from the Complaint or Answer you received in the case, or, if necessary, you can call the court for this information.)
  
- D.** Check off whether or not you want to request Oral Argument. (See Step 7 on page 6 for more information about this.)
  
- E.** Fill in the appropriate information where the form tells or instructs you to do so after it says, "Please Take Notice."

**INSTRUCTIONS FOR COMPLETING FORM B  
(CERTIFICATION OF SERVICE)**

- A.** Type or print the Plaintiff's name, address and telephone number where Form B asks you to do so at the top of the form. If you are the Plaintiff in the case, type or print your name, current address and telephone number. If you are not the Plaintiff, type or print the name, current address and telephone number of the person who is the Plaintiff.
- B.** Type or print the Defendant's name, current address and telephone number where Form B asks you to do so on the form. If you are the Defendant in the case, type or print your name, current address and telephone number. If you are not the Defendant, type or print the name, current address and telephone number of the person who is the Defendant.
- C.** Where it says *Docket No.*, fill in the docket number of your case. (You can get this number from the Complaint or Answer you received in the case, or, if necessary, you can call the court for this information.)
- D.** Provide the appropriate information where the form prompts you to do so.

**Review all steps to make sure the forms are properly filled out and complete before mailing (certified mail, return receipt requested and regular mail - see step 6 on page 5). (Keep copies of the completed forms for your records.)**

**INSTRUCTIONS FOR COMPLETING FORM C  
(ORDER)**

- A.** Type or print the Plaintiff's name, address and telephone number where Form C asks you to do so at the top of the form. If you are the Plaintiff in the case, type or print your name, current address and telephone number. If you are not the Plaintiff, type or print the name, address and telephone number of the person who is the Plaintiff.
- B.** Type or print the Defendant's name, current address and telephone number where Form C asks you to do so on the form. If you are the Defendant in the case, type or print your name, current address and telephone number. If you are not the Defendant, type or print the name, current address and telephone number of the person who is the Defendant.
- C.** Where it says *County*, type or print the name of the county where you are filing your motion.
- D.** Where it says *Docket No.*, fill in the docket number for your case. (You can get this number from the Complaint or Answer you received in the case, or, if necessary, you can call the court for this information.)
- E.** Provide the appropriate information where the form tells you to do so.
- F.** Leave Form C blank where it says, "*Do not write below this line-for court use only.*" The judge will complete this section.

**Review all steps to make sure the forms are properly filled out and complete before mailing (certified mail, return receipt requested and regular mail - see step 6 on page 5). (Keep copies of the completed forms for your records.)**

**FORM A  
NOTICE OF MOTION**

\_\_\_\_\_  
Plaintiff's Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State and Zip Code  
Telephone No.: \_\_\_\_\_

vs.

\_\_\_\_\_  
Defendant's Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State and Zip Code  
Telephone No.: \_\_\_\_\_

TO: (Name and Address of Bank)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION, SPECIAL CIVIL PART  
\_\_\_\_\_  
COUNTY  
DOCKET NO. \_\_\_\_\_

**CIVIL ACTION  
NOTICE OF MOTION TO TURN OVER FUNDS**

I DO NOT request Oral Argument  
 I request Oral Argument

If you requested Oral Argument do you wish to request:  
An interpreter:  Yes  No  
Indicate Language: \_\_\_\_\_

An accommodation for a disability:  Yes  No  
Requested Accommodation: \_\_\_\_\_

TO: (Name and Address of Judgment Debtor)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLEASE TAKE NOTICE** that I will apply to the Superior Court of New Jersey, Law Division, Special Civil Part \_\_\_\_\_ County located at \_\_\_\_\_, NJ, \_\_\_\_\_ in the  
(Address of Courthouse) (Zip Code)  
above entitled matter for an Order to turn over funds belonging to the judgment debtor in the amount of  
\$ \_\_\_\_\_ upon the following grounds: judgment was entered on \_\_\_\_\_ for  
(Amount of Levy) (Date)  
\$ \_\_\_\_\_ plus court costs. Thereafter, an execution was issued to a Special Civil Part Court  
(Amount of Judgment)  
Officer of \_\_\_\_\_ County. The Special Civil Part Court Officer levied on funds belonging to the  
judgment debtor on deposit at \_\_\_\_\_ in the amount of \_\_\_\_\_.  
(Name of Bank) (Amount of Levy)  
The levy was made on \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_.  
(Name of Bank) (Date)

**Attach: Certificate of Levy & Notice to Debtor (See step 4 on page 5)**

**(Continued on next page)**

**NOTICE: IF YOU WANT TO RESPOND TO THIS MOTION YOU MUST DO SO IN WRITING.** Your written response must be in the form of a certification or affidavit. That means that the person signing it swears to the truth of the statements in the certification or affidavit and is aware that the court can punish him or her if the statements are knowingly false. You may ask for oral argument, which means you can ask to appear before the court to explain your position. If the court grants oral argument, you will be notified of the time, date and place. Your response, if any, must be in writing even if you request oral argument. Any papers you send to the court must also be sent to the opposing party's attorney, or the opposing party if not represented by an attorney.

If you do not notify the Clerk and the undersigned in writing within ten (10) days of service of the motion that you object to the entry of the order sought, the court in its discretion may enter the order against you without a hearing.

**DATE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**(Check One)  Plaintiff  Defendant**

FORM B

CERTIFICATION OF SERVICE

\_\_\_\_\_  
Plaintiff's Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Telephone No.:

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION, SPECIAL CIVIL PART  
\_\_\_\_\_  
COUNTY

DOCKET NO. \_\_\_\_\_

**CIVIL ACTION  
CERTIFICATION OF SERVICE**

v.

\_\_\_\_\_  
Defendant's Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Telephone No.:

\_\_\_\_\_, (*check one*)  Plaintiff  Defendant being of full age, certify

(*Your Name*)

and state that:

I served the enclosed Notice of Motion on the judgment debtor, \_\_\_\_\_,  
(*Name of judgment debtor*)

and the \_\_\_\_\_ in the following manner: (*check one*)  I personally served  
(*Name of Bank*)

\_\_\_\_\_ or I did on \_\_\_\_\_ mail the judgment debtor, \_\_\_\_\_,  
(*Date*) (*Name of judgment debtor*)

and the \_\_\_\_\_ a copy of the enclosed Notice of Motion for an Order to Turn  
(*Name of Bank*)

Over Funds, Certification of Service, and an Order to Turn Over Funds of the judgment debtor, which was sent  
by regular and certified mail, return receipt requested, numbers \_\_\_\_\_ at  
(*Certified Mail Receipt Numbers*)

the \_\_\_\_\_ Post Office addressed to the judgment debtor and the bank, as set  
(*Name of Post Office*)

forth in the Notice; the address for the judgment debtor is the last known residence of the judgment debtor.

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:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_  
**(Check One)  Plaintiff  Defendant**

**FORM C**

**ORDER**

\_\_\_\_\_  
Plaintiff's Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Telephone No.:

v.

\_\_\_\_\_  
Defendant's Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Telephone No.:

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION, SPECIAL CIVIL PART  
\_\_\_\_\_ COUNTY

DOCKET NO. \_\_\_\_\_

**CIVIL ACTION  
ORDER FOR TURN OVER OF FUNDS**

\_\_\_\_\_  
This matter has been brought to the court by the judgment creditor, upon a Notice of Motion to Turn Over Funds on deposit from the account of the judgment debtor in the \_\_\_\_\_, to

*(Name of Bank)*

be paid to \_\_\_\_\_, the \_\_\_\_\_ County Special Civil Part Court Officer,  
*(name of court officer)*

and no one appearing on behalf of the judgment debtor or \_\_\_\_\_  
*(Name of Bank)*

and it further appearing to the court that a Certification of Service of the Notice of Motion to Turn Over Funds has been filed herein:

***(Do not write below this line - for court use only)***

On this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_:

it is **ORDERED** that \_\_\_\_\_ pay to the  
\_\_\_\_\_ County Special Civil Part Court Officer, forthwith, the sum of  
\$ \_\_\_\_\_ which has been levied upon.

It is **FURTHER ORDERED** that a copy of this Order be served by the moving party upon all other parties, or their attorneys, if any, within \_\_\_\_\_ days of the date of this Order.

**The motion was:**

**\_\_ Opposed \_\_ Unopposed**

\_\_\_\_\_  
**, J.S.C.**

## DIRECTORY OF SUPERIOR COURT SPECIAL CIVIL PART CLERK'S OFFICES

### **Atlantic County**

Special Civil Part  
Atlantic County Civil  
Courthouse  
1201 Bacharach Blvd.  
Atlantic City, NJ 08401  
(609)-345-6700; Ext. 3370

### **Bergen County**

Special Civil Part  
Bergen County Justice Center  
Room 427, 10 Main Street  
Hackensack, NJ 07601  
(201)-527-2730

### **Burlington County**

Burlington County Central  
Processing Office  
Attention: Special Civil Intake,  
Courts Facility  
49 Rancocas Rd.  
Mount Holly, NJ 08060  
(609)-518-2623

### **Camden County**

Hall of Justice  
101 S. 5th Street, Suite 150  
Camden, NJ 08103-4001  
(856)-379-2202

### **Cape May County**

Special Civil Part  
9 N. Main Street  
Cape May Courthouse, NJ 08210  
(609)-463-6502

### **Cumberland County**

Special Civil Part  
60 West Broad Street  
Bridgeton, NJ 08302  
(856)-453-4350

### **Essex County**

Civil Customer Service  
Hall of Records  
Room 201  
465 Dr. Martin Luther King Jr.  
Blvd.  
Newark, NJ 07102  
(973)-693-5529

### **Gloucester County**

Gloucester County Courthouse  
Attn: Civil Case Management  
Office  
1 N. Broad St.  
Woodbury NJ 08096  
(856)-853-3392

### **Hudson County**

Special Civil Case Management  
Office  
711 Administration Bldg.  
595 Newark Avenue  
Jersey City, NJ 07306  
(201)-795-6680

### **Hunterdon County**

Hunterdon County Justice Center  
65 Park Avenue  
P.O. Box 1069  
Flemington, NJ 08822  
(908)-237-5820

### **Mercer County**

Mercer County Central Finance  
Office  
175 S. Broad St. 1<sup>st</sup> Floor  
P.O. Box 8068  
Trenton, NJ 08650  
(609)-571-4490

### **Middlesex County**

Middlesex Vicinage  
Special Civil Part  
3rd Floor - Tower  
P.O. Box 1146  
New Brunswick, NJ 08903-1146  
(732)-519-3679

### **Monmouth County**

Central Fee Office  
P.O. Box 1260  
Freehold, NJ 07728-1260  
(732)-677-4223

### **Morris County**

Morris County Courthouse  
Special Civil Part  
Washington and Court Sts.  
P.O. Box 910  
Morristown, NJ 07963-0910  
(973)-656-4125

### **Ocean County**

Ocean County Superior Court  
Civil Intake  
118 Washington St., Room 121  
P.O.Box 2191  
Toms River NJ 08754-2191  
(732)-929-2016

### **Passaic County**

New Courthouse  
77 Hamilton Street, First Floor  
Paterson, NJ 07505  
(973)-247-8268

### **Salem County**

Salem County Courthouse  
Attn: Civil Case Management  
Office  
92 Market St.  
Salem, NJ 08079  
(856)-935-7510 x8213

### **Somerset County**

Somerset County Civil Division  
40 North Bridge Street, 1st. Fl.  
P.O. Box 3000  
Somerville, NJ 08876  
(908)-231-7014

### **Sussex County**

Special Civil Part  
Sussex County Judicial Center  
43-47 High St.  
Newton, NJ 07860  
(973)-579-0918

### **Union County**

Special Civil Part  
Old Annex, 3rd Floor  
2 Broad Street  
Elizabeth, NJ 07207  
(908)-659-4900

### **Warren County**

Warren County Civil Division  
Courthouse  
413 Second St.  
P.O. Box 900  
Belvidere, NJ 07823-1500  
(908)-475-6144