



HOW TO USE THIS ONLINE FORM

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**



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

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.**

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). 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. 1st 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