

NOTICE TO THE BAR

AMENDMENTS TO RULE 6:7-1 AND APPENDIX XI-H (“EXECUTION AGAINST GOODS AND CHATTELS”)

On May 17, 2011, the Supreme Court approved changes to *Rule* 6:7-1(b)(2) and the form Execution against Goods and Chattels, which is Appendix XI-H to the Rules of Court, with those changes to be effective as of May 17, 2011. The amendments to *Rule* 6:7-1(b)(2) and Appendix XI-H were necessary in order to conform with new federal regulations that went into effect on May 1, 2011, requiring banks and other financial institutions to look back two months and exclude from garnishment any exempt benefits that were electronically deposited during that period. *Rule* 6:7-1(b)(2) only required a 45-day look back period, thus necessitating the amendments. Accompanying this Notice are the Court’s Order, the amended Rule and amended form.

Questions regarding the amendments to *Rule* 6:7-1(b)(2) and Appendix XI-H may be directed to Robert D. Pitt, Chief of Special Civil Part Services, in the Civil Practice Division of the Administrative Office of the Courts, P.O. Box 981, Trenton, NJ 08102.

/s/ Glenn A. Grant

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

Dated: June 8, 2011

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rule 6:7-1(b) and Appendix XI-H of the Rules Governing the Courts of the State of New Jersey are adopted to be effective immediately.

For the Court,

/s/ Stuart Rabner

Chief Justice

Dated: May 17, 2011

6:7-1. Requests for Issuance of Writs of Execution; Contents of Writs of Execution and Other Process for the Enforcement of Judgments; Notice to Debtor; Claim for Exemption; Warrant of Removal; Enforcement of Consent Judgments and Stipulations of Settlement in Tenancy Actions

(a) ... no change

(b) Contents of Writs of Execution and Other Process for the Enforcement of

Judgments. All writs of execution and other process for the enforcement of judgments shall

provide that any levy pursuant thereto shall exclude:

(1) all funds in an account of the debtor with a bank or other financial institution, if all deposits into the account during the 90 days immediately prior to service of the writ were electronic deposits, made on a recurring basis, of funds identifiable by the bank or other financial institution as exempt from execution, levy or attachment under New Jersey or federal law, and

(2) all funds deposited electronically in an account of the debtor with a bank or other financial institution during the [45 days] two months immediately prior to [service of the writ] the account review undertaken by the bank or other financial institution in response to the writ that are identifiable by the bank or other financial institution as exempt from execution, levy or attachment under New Jersey or federal law.

(c) ... no change.

(d) ... no change.

(e) ... no change.

Note: Source – R.R. 7:11-1; former rule redesignated as paragraph (a) and paragraph (b) adopted and caption amended July 16, 1981 to be effective September 14, 1981; paragraph (b) amended November 1, 1985 to be effective January 2, 1986; caption amended and paragraph (c) adopted November 7, 1988 to be effective January 2, 1989; paragraphs (b) and (c) amended July 14, 1992 to be effective September 1, 1992; caption and paragraph (c), caption and text, amended July 13, 1994 to be effective September 1, 1994; paragraph (a) caption and text amended June 28, 1996 to be effective September 1, 1996; caption amended and paragraph (d) adopted July 18, 2001 to be effective November 1, 2001; paragraph (c) amended September 14, 2004 to be effective immediately; paragraph (a) amended July 27, 2006 to be effective September 1, 2006; caption

amended, former paragraph (b) redesignated as paragraph (c) and amended, former paragraphs (c) and (d) redesignated as paragraphs (d) and (e), and new paragraph (b) caption and text adopted July 23, 2010 to be effective September 1, 2010; subparagraph (b)(2) amended May 17, 2011 to be effective immediately.

APPENDIX XI-H EXECUTION AGAINST GOODS AND CHATTELS

DOCKET NO.: ___ DC-_____-__
JUDGMENT NO.: ___ VJ-_____-__
WRIT NUMBER: _____

SUPERIOR COURT OF NEW JERSEY
SPECIAL CIVIL PART
_____ COUNTY
STATE OF NEW JERSEY

EXECUTION AGAINST GOODS AND CHATTELS

PLAINTIFF(S)
VS.

DEBTORS: _____

DEFENDANT(S)

ADDRESS OF FIRST DEBTOR:
STREET ADDRESS
CITY NJ ZIP

TO: _____
COURT OFFICER OF THE SPECIAL CIVIL PART

YOU ARE ORDERED to levy on the property of any of the debtors designated herein; your actions may include, but are not limited to, taking into possession any motor vehicle(s) owned by any of the debtors, taking possession of any inventory and/or machinery, cash, bank accounts, jewelry, electronic devices, fur coats, musical instruments, stock certificates, securities, notes, rents, accounts receivable, or any item(s) which may be sold pursuant to statute to satisfy this execution in full or in part. Any levy pursuant to this writ shall exclude (1) all funds in an account of the debtor with a bank or other financial institution, if all deposits into the account during the 90 days immediately prior to service of the writ were electronic deposits, made on a recurring basis, of funds identifiable by the bank or other financial institution as exempt from execution, levy or attachment under New Jersey or federal law, and (2) all funds deposited electronically in an account of the debtor with a bank or other financial institution during the [45 days] two months immediately prior to [service of the writ] the account review undertaken by the bank or other financial institution in response to the writ that are identifiable by the bank or other financial institution as exempt from execution, levy or attachment under New Jersey or federal law. All proceeds are to be paid to the court officer who shall pay them to the creditor or the attorney for the creditor, or, if this is not possible, to the court. This order for execution shall be valid for two years from this date.

Local police departments are authorized and requested to provide assistance, if needed, to the officer executing this writ. This does not authorize entry to a residence by force unless specifically directed by court order.

Judgment Date _____
Judgment Amount.....\$ _____
Costs and Atty. Fees\$ _____
Subsequent Costs\$ _____
Total.....\$ _____
Credits, if any\$ _____
Subtotal A\$ _____
Interest\$ _____
Execution costs and mileage.....\$ _____
Subtotal B\$ _____
Court officer fee.....\$ _____
Total due this date.....\$ _____

Date: _____

Judge

Clerk of the Special Civil Part

I RETURN this execution to the Court

() Unsatisfied _____

() Satisfied () Partly Satisfied

Amount Collected. . _____

Fee Deducted. _____

Amount Paid to Atty. _____

Date: _____

Property to be Levied
Upon and Location of Same:

CITY ST ZIP

CREDITOR'S ATTORNEY AND ADDRESS:

Date: _____

Court Officer

CITY NJ ZIP
Telephone: ___-_____