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Administrative Office of the Courts

MICHAEL J. BLEE, J.A.D.
Acting Administrative Director of the Courts

Richard J. Hughes Justice Complex • P.O. Box 037 • Trenton, NJ 08625-0037 njcourts.gov • Tel: 609-676-3000 •

Directive #11-26

Questions may be directed to the Superior Court Clerk's Office at 609-815-2900, ext. 54200

TO: **Assignment Judges**
Trial Court Administrators

FROM: **Michael J. Blee, J.A.D.** MJB

SUBJ: **Procedures for the Superior Court Trust Fund**

DATE: **August 10, 2026**

The Superior Court Trust Fund is a temporary depository for funds claimed in connection with litigation in the New Jersey Superior Court or for funds to be deposited under the jurisdiction of the New Jersey Supreme Court.

This directive promulgates the procedural requirements that all attorneys and individuals must follow to deposit into and withdraw funds from the Superior Court Trust Fund. This directive supersedes any previously promulgated policies, procedures, or written guidance. Any questions may be directed to the Superior Court Clerk's Office at 609-815-2900 x 54200 or SCCOTrustFund.mailbox@njcourts.gov.

cc: Chief Justice Stuart Rabner
Associate Justices
Civil Presiding Judges
Chancery Presiding Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Michelle M. Smith, Clerk of the Superior Court
Special Assistants to the Administrative Director
Civil Division Managers

OVERVIEW

This directive is provided to assist individuals or attorneys seeking to deposit into and withdraw funds from the Superior Court Trust Fund. Attorneys and self-represented litigants who interact with the Trust Fund should be familiar with and comply with all applicable rules, statutes, regulations, and Fund requirements.

The rules applying to the deposit and withdrawal of funds with the Superior Court Trust Fund are found in R. 4:57 and R. 1:21. The Clerk of the Superior Court has a fiduciary responsibility to parties with funds on deposit, those who may be entitled to funds on deposit, the Superior Court Trust Fund, and the Judiciary as a whole. Pursuant to R. 4:57-2, funds may be withheld pending the curing of any deficiencies identified by the Superior Court Trust Fund.

Trust Fund Unit Mailing Address

All correspondence to the Trust Fund Unit should be directed as follows:

Superior Court Clerk's Office
Attn: Trust Fund Unit
Richard J. Hughes Justice
Complex 25 Market Street
Sixth Floor, North Wing
P.O. Box 971
Trenton, NJ 08625 - 0971

Questions regarding the processing of Trust Fund work may be directed to the Trust Fund Unit at: SCCOTrustFund.mailbox@njcourts.gov.

DEPOSIT OF FUNDS

The general rules applying to the deposit of funds into the Superior Court Trust Fund are found in R. 4:57-1 and R. 4:57-2. A court order is required to deposit funds into the Superior Court Trust Fund unless the funds deposited are unclaimed funds from an attorney trust account or are funds deposited into court in lieu of a construction lien claim.

Checks must be made payable to "Superior Court of New Jersey."

No receipt will be issued for the deposit of funds into the Superior Court Trust Fund unless the deposit is made pursuant to a construction lien.

GENERAL REQUIREMENTS FOR DEPOSITS PURSUANT TO R. 4:57

Required Documents: In order to deposit money into the Superior Court Trust Fund, the following documents must be submitted to the Trust Fund Unit at the mailing address noted on page 1:

1. One copy of a signed Court Order authorizing the deposit of funds into the Superior Court Trust Fund.
2. A check made payable to "Superior Court of New Jersey" in the exact amount specified in the order. A certified check is not required. No starter checks will be accepted.

Please Note:

- Orders must clearly indicate that the funds are intended for deposit with the Superior Court Trust Fund and not with a different court.
- Orders must clearly indicate the amount to be deposited, and the amount in the order must match the amount on the check.
- When a deposit of moneys into the Trust Fund is made under an Order in a consolidated matter, the Order must specify the individual case caption and docket number under which the deposit is being made. If the Order does not indicate the case and docket number, the funds CANNOT be deposited.
- It may take up to 8 weeks for funds to be deposited.
- It is the responsibility of the depositor to verify that the deposit has been processed. Please verify with your financial institution.

DEPOSITS OF UNCLAIMED FUNDS IN ATTORNEY TRUST ACCOUNTS

R. 1:21-6(j) authorizes an attorney to deposit certain funds which are in the attorney's trust account that may not otherwise be disbursed to a client or on behalf of a client. The Rule establishes a three-step process that must be completed prior to submitting the funds for deposit:

1. **Step One:** The attorney must identify those funds which have been unclaimed or in which ownership is unidentified or which are held for a missing owner. The funds must have been in the attorney trust account for more than two (2) years, after which they may be designated by the attorney as suitable for deposit with the Superior Court Trust Fund.
2. **Step Two:** The attorney must maintain the designated funds for a period of one (1) year, during which time the attorney must conduct a reasonable search for the beneficial owner(s) of the funds. If the ownership of the funds is in question, a diligent effort must be made to determine ownership. If the owner(s) of the funds is known, a diligent search of their whereabouts must be conducted.
3. **Step Three:** If the funds remain unidentifiable, are unclaimed, or the owner(s) cannot be located, they may be deposited into the Superior Court Trust Fund. The attorney must complete a detailed affidavit setting forth the amount and nature of the funds, the name(s) of the owner(s), and the attorney's efforts to identify or to disburse the funds to them. The affidavit must clearly indicate that the funds have been in the attorney trust account for more than two (2) years. The affidavit must include all known addresses and any other information regarding the transaction which gave rise to the trust account deposit which may be helpful to identify ownership of the funds in the event that a claimant subsequently makes application for them.

Please Note:

- When a docket number is known, it must be included in the affidavit. The funds will be deposited under the court docket number.
- In cases where there is no underlying docket number, the affidavit must state that the docket is not known. These cases will be issued an internal SWS TF docket number.
- Where there is no underlying docket number, deposits of unclaimed or unidentified funds must, wherever possible, be aggregated into a single check for deposit. An attorney submitting such an aggregated deposit must provide specific information about ownership of each of

the funds comprising the deposit in the required certification or affidavit in order to identify ownership of the funds in the event that a claimant subsequently makes application for them.

Required Documents: In order to deposit unclaimed funds into the Superior Court Trust Fund, the following documents must be submitted to the Trust Fund Unit at the mailing address noted on page 1:

1. An original, notarized affidavit-required by R. 1:21-6(j) or attorney's certification with the specific language contained in R. 1:4-4.

2. A check made payable to "Superior Court of New Jersey" for the exact amount specified in the affidavit or certification (the check does not have to be certified and no starter checks will be accepted).

CONSTRUCTION LIEN DEPOSITS

Funds deposited into court in lieu of a bond for a construction lien claim are paid into the Superior Court Trust Fund pursuant to R. 4:57-1.

Required Documents: In order to deposit construction lien funds into the Superior Court Trust Fund, the following documents must be submitted to the Trust Fund Unit at the mailing address noted on page 1:

1. Two (2) copies of the recorded lien claim.
2. A certified or bank check made payable to "Superior Court of New Jersey" in the amount of 110% of the construction lien claim.
3. A separate check, which need not be certified, in the amount of $25.00 made payable to "Treasurer, State of New Jersey."
4. Two (2) self-addressed stamped envelopes for transmittal of (a) a recordable "notice of receipt of cash in lieu of bond for a construction lien claim" for filing with the county recording officer and (b) a non-recordable Trust Fund receipt.

DEPOSITS FOR COSTS BY NONRESIDENT CLAIMANTS PURSUANT TO N.J.S.A. § 2A:15-67

When a non-resident plaintiff in any Superior Court action, or any party asserting a counterclaim, cross-claim, or third-party claim who is not a resident of New Jersey, is required by an opposing party to post security for costs before trial, conditioned to prosecute the action with effect and to pay costs if the action is dismissed or judgment passes against him, such deposits shall be made into the Superior Court Trust Fund as set forth above under "General Deposit Requirements for Deposits Pursuant to R. 4:57."

SURETY BONDS

The general rules applying to surety bonds are found in R. 1:13-3. Any Surety Bond, including Supersedeas Bonds, must be submitted to a Judge for approval and should stay with the court's case file in the trial court. **Surety Bonds are not sent to the Trust Fund Unit.**

Cash in lieu of a Surety Bond: Cash (in the form of a check) deposited in lieu of a Surety Bond is deposited in the Superior Court Trust Fund. However, with the exception of cash posted in lieu of a Surety Bond for a Construction Lien Claim, there must be a court order specifically directing that cash may be posted in lieu of a bond. An Order directing a bond to be posted is insufficient as it does not specifically allow cash in lieu thereof.

WITHDRAWAL OF FUNDS

The general rules applying to the withdrawal of funds from the Superior Court Trust Fund are found in R. 4:57-2 and R. 4:57-5. A Court Order is required to obtain a release of funds. This is done by making a motion or submitting a consent order to withdraw funds. Pursuant to R. 4:57-2, if all parties to the case are not signing the consent order, it must be accompanied by an affidavit indicating that all interested parties have received proper notice.

BEFORE you file a motion or consent order for funds, you must FIRST submit a proposed order to the Trust Fund Unit for verification of the amount on deposit in compliance with the Court Rules. **The Trust Fund will NOT disburse money if the order is unverified, even if signed by the Judge. The filer will be required to obtain a Verified Order and file a new motion.**[1]

Altering court documents, such as using the same verification on subsequent orders, is not permitted and may result in a referral to the Office of Attorney Ethics.

[1] The Supreme Court's July 25, 2014 amendments to the Rules of Court, which became effective September 1, 2014, requires proposed orders to pay out to be submitted to the Superior Court Trust Fund Unit for review and verification of the amount on deposit prior to the submission to the Judge in the appropriate vicinage. R. 4:57(2)(a).

Please note that corporate entities who wish to apply before the court to withdraw funds must be represented by an attorney pursuant to R. 1:21-1(c).

Please Note: The Superior Court Trust Fund does not review applications for the withdrawal of funds or make any determination as to the sufficiency or completeness of those applications.

The Clerk of the Superior Court is the custodian of funds on deposit with the Superior Court Trust Fund. Where there is a matter in controversy or a disciplinary inquiry, the Clerk of the Superior Court has the discretion to decline disbursement of an executed order until any outstanding issue has been resolved.

GENERAL REQUIREMENTS FOR WITHDRAWALS

STEP 1: Prior to filing your motion or consent order, send the Proposed Order to the Trust Fund Unit for review

Please email one copy of the proposed order to the Superior Court Trust Fund Unit for verification of the amount on deposit to the email address noted on page 1. If you do not have access to a computer, you may send one copy, via mail, to the Trust Fund Unit at the mailing address noted on page 1.

DO NOT send orders using both email and regular mail. This will result in a delay in receiving your Verified Order. Wherever possible, email submission is encouraged.

The Trust Fund Unit will verify the funds on deposit and review the proposed order for compliance. Once processed, the Verified Order or a deficiency notice will be returned via email or regular mail. Please allow up to 30 days to receive a Verified Order.

When your order is verified, it will be signed and dated. **Please note that your motion or consent order must be filed within 60 days of the verification date.** If more than 60 days have elapsed, you must obtain a new Verified Order before filing. Motions or consent orders filed with outdated verification stamps will be denied by the appropriate court.

Please Note: Once a proposed order has been verified, the order cannot be altered by the filer. If you have received a Verified Order, and subsequently wish to amend that order, you must resubmit for a new verification. Additionally, every proposed order must have a unique verification stamp. Verification stamps cannot be reused, altered, or repurposed by the filer in any way or for any reason.

Order Requirements: In order to qualify for payment, the payout order must clearly include the following:

NOTE: **Pursuant to R. 4:57-2, the Trust Fund will NOT disburse money if the order is unverified, even if signed by the Judge. The filer will be required to obtain a Verified Order and file a new motion.**

1. **The disbursement order must direct payment of funds from the Superior Court Trust Fund.** The disbursement order must clearly state that the Clerk of the Superior Court is directed to pay funds from the money on deposit. **NOTE: If the order does not set forth that the Superior Court Trust Fund is directed to release money, the funds CANNOT be distributed.** For example:

    - The Clerk of Superior Court shall pay $10,000.00…;
    - The Clerk of the Superior Court shall disburse $10,000.00…

2. **The disbursement order must specify the amount of the funds to be paid and must include interest.** The disbursement order must state the specific dollar amount to be paid from the funds on deposit, including any interest. The language "all funds on deposit" is not acceptable; an exact dollar amount must be listed.

    As of November 1, 2020, all funds deposited with the Superior Court Trust Fund accrue interest. If interest is not awarded as part of a court order, it may be escheated to the State. **All orders must specify the amount of interest to be disbursed with the principal amount.**

    If you are seeking a portion of the funds on deposit, you are only entitled to the same portion of the interest, i.e., If you are seeking 50% of the principal on deposit, you should only request 50% of the interest. **NOTE: If the order does not set forth, with specificity, the amount of money to be paid out, the funds CANNOT be distributed.** For example:

    - The Clerk of Superior Court shall pay $10,000.00 from the funds on deposit, plus all accrued interest;
    - The Clerk of the Superior Court shall pay $10,000.00 from the funds on deposit, plus 50% of the accrued interest;
    - The Clerk of the Superior Court shall pay $10,000.00 from the funds on deposit, plus ½ of the accrued interest;

3. **The disbursement order must identify the party(ies) to whom the funds are to be paid:** The disbursement order must list the name of the payee or payees in quotes to avoid any confusion about whom the check should be made payable to. **NOTE: If the order does not set forth, in quotes, the names of the payee(s) the funds CANNOT be distributed.** For example:

- The Clerk of Superior Court shall pay $10,000.00 from the funds on deposit, plus all accrued interest, to “John R. Smith.”;

- The Clerk of Superior Court shall pay $10,000.00 from the funds on deposit, plus all accrued interest, to “The Attorney Trust Account of John R. Smith.”;

- The Clerk of Superior Court shall pay $10,000.00 from the funds on deposit, plus all accrued interest, to “John R. Smith and the Law Office of Susan P. Smith”;

- **NOTE:** if multiple payees are receiving separate checks, each payee must be set out separately in the order:
    - The Clerk of Superior Court shall pay $10,000.00 from the funds on deposit, plus 50% accrued interest, to “John R. Smith”; and

    - The Clerk of the Superior Court shall pay $10,000.00 from the funds on deposit, plus 50% accrued interest to “Susan P. Smith.”

4. **The disbursement order must include the address where the funds will be sent.** The disbursement order must include the address where the check(s) will be sent to ensure the funds are directed to the proper place. **NOTE: If the order does not set forth the address where money will be sent, the funds CANNOT be distributed.** For example:

- The Clerk of Superior Court shall pay $10,000.00 from the funds on deposit, plus all accrued interest, to “John R. Smith.” The funds are to be sent to 122 Main Street, Trenton NJ 00000.

- The Clerk of Superior Court shall pay $10,000.00 from the funds on deposit, plus all accrued interest, to “The Attorney Trust Account of John R. Smith.” The funds are to be sent to the Law Office of John Smith at 111 State Street, New Brunswick NJ 00000.

- **NOTE**: if multiple payees are receiving separate checks, the address for each payee must be set out separately in the order. For example:
    - The Clerk of Superior Court shall pay $10,000.00 from the funds on deposit, plus 50% accrued interest, to “John R. Smith.” The funds are to be sent to 555 South Road, Newark NJ 00000.; and

- The Clerk of the Superior Court shall pay $10,000.00 from the funds on deposit, plus 50% accrued interest to "Susan P. Smith." <u>The funds are to be sent to 888 North Court, Atlantic City NJ 00000.</u>

5. If the payee is a state agency (e.g. "Treasurer, State of New Jersey"), the disbursement order must set forth with specificity the purpose and recipient of the payment. **NOTE: If this information is not provided, the funds CANNOT be distributed**.

<u>STEP 2: File Motion or Consent Order with Verified Order with the Court</u>

Once you receive the Verified Order back from the Trust Fund Unit, you must file the full motion package or consent order with the appropriate court within 60 days. You may file using either eCourts or the Judiciary Electronic Document Submission (JEDS) system. **You must obtain a Verified Order before filing your motion or consent order, and the Verified Order must be included as part of your filing.**

NOTE: If the proposed order addresses an existing judgment in any way, the filer must provide the Judge with a current judgment search showing all open debts.

NOTE: Attorneys are required to file using eCourts in dockets where it is available. If you are a self-represented litigant and do not have access to a computer, you may contact the appropriate court for paper filing instructions. You must serve a copy of the motion on ALL parties to the original case in accordance with <u>R.</u> 1:6-3, including the plaintiff and any defaulted parties. A certified mail receipt must be included with the certification of service when you file the motion with the court. Failure to serve all parties to the original case will result in a denial of your motion.

Please note: If your application is denied by the court, you will be required to file a new motion. If more than 60 days have elapsed since your proposed order was verified, you will be required to obtain a new Verified Order.

<u>STEP 3: Obtain Certified and Sealed Order</u>

Once the Verified Order is granted and returned to you, you must then request a certified and sealed copy of the signed order from the issuing Court or The Superior Court Clerk's Office. There is a $25.00 fee for this copy. For instructions on how to request a record through the Superior Court Clerk's Office, you may contact SCCORecordReq.mailbox@njcourts.gov.

STEP 4: Submit Verified, Signed, Certified and Sealed Order to the Trust Fund Unit

Once the Verified Order is signed, sealed, and certified, you must submit the order to the Trust Fund Unit for processing. Please email one copy of the order and any required documents listed in Step 5 in one email to the Superior Court Trust Fund Unit at the email address noted on page 1. If you do not have access to a computer, you may send one copy via mail to the Trust Fund Unit at the mailing address noted on page 1. DO NOT send orders using both email and regular mail. DO NOT send multiple emails or mailings. This will result in a delay in processing your order.

NOTE: If the Judge does not sign the Verified Order, but the signed, certified, and sealed order matches the Verified Order, please include a copy of both the signed and the Verified Order when submitting the required documents to the Superior Court Trust Fund. Our office will confirm that the orders match before disbursing funds.

NOTE: The signed order must be presented to the Superior Court Trust Fund for disbursement within 6 months of execution. If more than 6 months have elapsed since the order was signed, you will be required to obtain a new order.

STEP 5: Additional Required Documents

In addition to the verified, signed, certified, and sealed order, the following documents may need to be provided. Failure to provide any of the below referenced documents will prevent the funds from being disbursed.

1. **Child Support Judgment Search:** Provide a certification from a private judgment search company if an individual who is not a minor is receiving more than $2,000.00 either directly or through an attorney. See *N.J.S.A.* 2A:17-56.23b. If the recipient has been known by any other name(s), a child support judgment search must be done for each name. If there are multiple individual payees, a child support judgment search must be provided for each individual payee. The Child Support Judgment Search must be dated within 90 days of the submission of the signed order to the Trust Fund Unit.

    - **Certification of Arrears**: If the recipient of the funds is, in fact, a child support judgment debtor, provide a certification of arrears from the appropriate Probation Division showing current child support arrears and the amount of post-judgment interest due so that the Clerk may pay the full arrears (to the extent funds are available on deposit in the Superior Court Trust Fund).
    - **Affidavit of No Obligation**: If the child support judgment search reveals active judgments for defendants of a similar/same name, a

notarized affidavit from the payee setting forth that those judgments do not belong to them is required.

- **Warrant of Satisfaction**: If an active judgment appears on the child support judgment search provided by the payee and all child support arrears have been paid, and there are no current obligations, a copy of a filed warrant of satisfaction must be submitted to the Trust Fund Unit. The appropriate Probation Division should be contacted for help in obtaining a warrant of satisfaction. Executed warrants of satisfaction must be properly filed with the Judgments Unit, and fee paid, prior to submission of the filed copy to the Trust Fund Unit.

2. **IRS W-9:** If accrued interest is being paid to an individual, a W-9 is required. If the payee listed on the check is an individual, a W-9 is required for that individual. If the payee is a law office or a representative on behalf of an individual, a W-9 is required for the individual (<u>not</u> for the law firm or representative). If the payee is the law firm or representative only, and the law firm or representative represents an individual, a W-9 is required for the law firm or representative.

   If the payee is a corporation or government entity, or a law office on behalf of a corporation or government entity, a W-9 is <u>not</u> required. If the recipient of the funds is not a U.S. citizen or is a resident alien, the appropriate W-8 form is required.

   If disbursed funds are applied to a child support judgment, a W-9 is required for the child support debtor.

<u>STEP 6: Disbursement of Monies on Deposit with the Superior Court Trust Fund</u>

Disbursement of monies on deposit with the Superior Court Trust Fund is not immediate. All disbursements are distributed by The Office of the Treasury. All checks are **sent by mail** to the address specified in the order. Funds CANNOT be picked up at the Superior Court Clerk's Office. Once disbursement has been approved, the Superior Court Clerk's Office CANNOT advise as to the time frame for receipt of funds. Once processed, a confirmation or a deficiency notice will be sent via regular mail or email. Please allow up to 30 days to see that the signed order has been processed or receive a deficiency notice.

<u>WITHDRAWAL OF SURPLUS MONEY IN FORECLOSURE CASES</u>

The general rules applying to the withdrawal of surplus money from the Superior Court Trust Fund in foreclosure cases are found in <u>R</u>. 4:64-3 and <u>R</u>. 4:64-9. Corporate entities must be represented by an attorney pursuant to R. 1:21-1(c). You must follow the "General Requirements for Withdrawal" listed above.

WITHDRAWAL OF CONSTRUCTION LIEN DEPOSITS

Pursuant to R. 4:57-1 and N.J.S.A. 24:44A-31(c), construction lien deposits may be returned without a court order. The request may be made at the Superior Court Clerk's Office by the owner, community association, contractor, or subcontractor (or the attorney for any of these) by submitting any one of the following documents:

1. A duly acknowledged certificate pursuant to N.J.S.A. 2A:44A-33.
2. An order of discharge.
3. A judgment of dismissal or other final judgment against the lien claimant.
4. A true copy of a stipulation of dismissal, with prejudice, executed by the lien claimant or its representative in any action to foreclose the lien claim.

NOTE: Escheat Process

Funds on deposit will be escheated to the New Jersey Treasury, Unclaimed Property Administration, after ten years of inactivity with the Superior Court Trust Fund. In order for funds to remain on deposit, a filing must be made with the Superior Court Trust Fund. The Superior Court Trust Fund may attempt to notice parties or their attorneys through public postings, Notices to the Bar, or electronic notices in eCourts case jackets in dockets where funds are scheduled to escheat. If you receive such a notification, or if you believe that a docket may be inactive and scheduled for escheat, you must contact SCCOTrustFund.mailbox@njcourts.gov.