

NOTICE TO THE BAR

CORRECTED RULES APPENDIX XII-E – WRIT OF WAGE EXECUTION – AS AMENDED BY THE SUPREME COURT’S JULY 9, 2009 ORDER

The amended version of Rules Appendix XII-E – Writ of Wage Execution – promulgated by the Supreme Court’s July 9, 2009 order to be effective September 1, 2009 inadvertently did not incorporate the amendments previously made to that form by the Court’s Order dated July 9, 2008. Attached is the corrected Appendix XII-E with those July 9, 2008 amendments added (to the first paragraph, the last paragraph, and the source note). This corrected version of Appendix XII-E (Writ of Wage Execution) replaces the previously distributed version effective September 1, 2009. The Judiciary apologizes for any inconvenience caused by this error in the promulgated form.

/s/ Glenn A. Grant

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

Dated: August 31, 2009

Appendix XII-E
WRIT OF WAGE EXECUTION

Attorneys for Plaintiff

SUPERIOR COURT OF NEW JERSEY
DIVISION, COUNTY

Plaintiff,

DOCKET NO:

vs.

WRIT OF WAGE EXECUTION

Defendant.

THE STATE OF NEW JERSEY

TO THE SHERIFF OF _____ COUNTY

YOU ARE HEREBY COMMANDED that of the weekly earnings which the Defendant _____ receives from employer _____ whose address is _____, you take the lesser of (a) the sum of 10% of the gross weekly pay, or (b) 25% of disposable earnings for that week, or (c) the amount by which the designated Defendant's disposable weekly earnings exceed \$217.50 per week, pursuant to the Order for Wage Execution entered with this Court on _____, a copy of which is attached hereto and Certification of the Court entered in the sum of \$ _____ plus interest and fees until \$ _____ plus interest and fees is paid and satisfied, and that you pay weekly to the Plaintiff's duly authorized attorney said amount of reservation of salary.

YOU ARE FURTHER COMMANDED that the employer shall immediately give the designated defendant a copy of this order. The designated defendant may object to the wage execution or apply for a reduction in the amount withheld at any time. To object or apply for a reduction, a written statement of the objection or reasons for a reduction must be filed with the Clerk of the Court and a copy must be sent to the creditor's attorney or directly to the creditor if

there is no attorney. A hearing will be held within seven days after filing the objection or application for a reduction. According to law, no employer may terminate an employee because of a garnishment.

YOU ARE HEREBY FURTHER COMMANDED that upon satisfaction of Plaintiff's damages, costs and interests, plus subsequent costs, or upon termination of the Defendant's salary, you will immediately thereafter return this Writ to the Court with a statement as to the execution annexed.

WITNESS, the Honorable _____, Judge of the Superior Court, this _____ day of _____, 20 ____.

_____, CLERK

ENDORSEMENT

Judgment Amount*.....	\$
Additional Costs.....	\$
Interest thereon.....	\$
Credits.....	\$
Sheriff's Fees.....	\$
Sheriff's Commissions.....	\$
TOTAL:	\$

* "Judgment Amount" includes amount of verdict or settlement, plus pre-judgment court costs, plus any applicable statutory attorney's fee.

Post-judgment interest applied pursuant to Rule 4:42-11 has been calculated as **simple interest**. As required by Rule 4:59-1, attached is the method by which interest has been calculated, taking into account all partial payments made by the defendant.

Attorney for Plaintiff

Dated: _____, 20 ____

[Note: Form adopted as Appendix XII-E July 27, 2006 to be effective September 1, 2006; amended September 11, 2006 to be effective immediately; amended July 3, 2007, to be effective July 24, 2007; amended July 2, 2008, to be effective July 24, 2008; amended July 9, 2008 to be effective September 1, 2008; amended July 9, 2009 to be effective July 24, 2009.]