

NOTICE TO THE BAR

PROPOSED AMENDMENTS TO R. 4:29-1 — PERMISSIVE JOINDER — TIMESHARE MORTGAGE FORECLOSURE ACTIONS

N.J.S.A. 45:15-16.66(c) permits “multiple defendant obligors and junior interest holders of separate timeshare interests” to be joined in the same timeshare mortgage foreclosure action when certain conditions are met. This in some situations has resulted in the joinder in a single foreclosure complaint of dozens, if not hundreds, of timeshare interests. The sheer size and resulting complexity of such multiple-party timeshare foreclosure complaints poses a substantial administrative burden and may delay the processing of such cases significantly. To address this concern, amendments to Rule 4:29-1 (“Permissive Joinder”) have been proposed that would limit to ten the number of separate timeshare units that may be joined in a single mortgage complaint, provided that all involve the same timeshare plan and that the nature of the default is substantially the same for each timeshare mortgage joined.

Comments are requested on the proposed rule amendments, which are included with this notice. Comments must be in writing and should be sent by July 30, 2010 to:

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Rules Comments
Hughes Justice Complex, P.O. Box 037
Trenton, New Jersey 08625-0037

Comments also may be submitted via Internet e-mail to the following address:
Comments.Mailbox@judiciary.state.nj.us.

/s/ Glenn A. Grant

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

Dated: June 28, 2010

4:29-1 Permissive Joinder

(a) ... no change.

(b) ...no change.

(c) Certain Tax Foreclosure and Condemnation Actions. Anything in paragraph (a)

of this rule to the contrary notwithstanding:

(1) ...no change.

(2) ...no change.

(3) ...no change.

(4) ...no change.

(5) ...no change.

(6) The plaintiff in an action for foreclosure of timeshare mortgages may join in the action not more than 10 separate timeshare units, provided all involve the same timeshare plan and the nature of the default is substantially the same for each timeshare mortgage joined.

[(6)] (7) The court may order any action to which this rule applies severed and the provisions of R. 4:4-4 and R. 4:4-5 for service with process of a copy of the complaint upon all defendants may not be relaxed.

Note: Source — R.R. 4:33-1(a)(b); paragraph (b)(1), (2) and (3) amended July 16, 1981 to be effective September 14, 1981; paragraph (a) amended June 29, 1990 to be effective September 4, 1990; paragraph (b)(1) amended July 13, 1994 to be effective September 1, 1994; caption and text of paragraph (a) amended, former paragraph (b) redesignated as paragraph (c), and new paragraph (b) adopted July 10, 1998 to be effective September 1, 1998; new paragraph (c)(6) added and former paragraph (c)(6) renumbered as (c)(7) to be effective

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