



How to Apply For the Return of Your Personal Property or to Return to Your Rental Premises

Superior Court of New Jersey - Special Civil Part

Who Should Use This Packet?

This packet should be used by tenants who have had their personal property taken and/or have been locked out of or denied use of their rental premises (for example, by having the heat turned off) without a court order.

You may use this packet if:

- (1) You have been locked out of your rental premises by your landlord and are seeking only the return of your personal property or the value of that property if it cannot be returned; or
- (2) If you seek to return to your rental premises and seek the return of your personal property.

NOTE: You may not use this packet if you are involved in a pending Landlord-Tenant court case.

NOTE: Do not provide any party's confidential personal identifier information in these pleadings and on any documents that you may submit to the Court unless directed to do so by court order, statute, court rule or Administrative Directive.

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 Internet site, njcourts.gov. However, you are ultimately responsible for the content of your court papers.

Completed forms are to be submitted to the county where you are filing your case. A list of [Special Civil Part Offices](#) is provided at the customer counter and at njcourts.gov.

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. The telephone number can be found online or 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. 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 who may 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. Bring all documents to court if you are notified that an appearance is necessary.

Definitions of Words That May Be Used In This Packet

Answer - An *answer* is a written response which explains why you believe you do not owe the money to the other party in the case.

Court Officer - A *court officer* is an official of the court who enforces a Warrant of Removal.

Certification - A *certification* is a written statement made to the court swearing that the information contained in the documents filed with the court is true to the best of your knowledge.

Confidential Personal Identifiers – *Confidential personal identifiers* refer to any person’s social security number, driver’s license number, vehicle plate number, insurance policy number, active financial account number or active credit card number.

Defendant/Landlord - The *defendant/landlord* is the person who is being sued and who owns the rental premises.

Order - An *order* is a written or oral command by a court directing or forbidding an act.

Order to Show Cause - An *Order to Show Cause* is an emergency order made upon the motion of one party requiring another party to appear in court and demonstrate why certain conduct should be permitted or not permitted.

Peaceable Possession - *Peaceable possession* is normal use and enjoyment of the rental premises.

Plaintiff/Tenant - The *plaintiff/tenant* is the person who starts the lawsuit and who leases the rental premises from the landlord.

Relief - *Relief* is what you are asking the court to do or what the court commands.

Treble Damages - *Treble damages* is the amount of money awarded to a party tripled by the court when allowed by law.

Unlawful Entry - *Unlawful entry* is entering someone else’s rental premises without legal authority even if you are the owner of those premises.

Verified Complaint - A *verified complaint* is a sworn document in which you tell the court the facts of your case and state what relief you want from the court.

Warrant of Removal - A *warrant of removal* is an order by the court which allows an eviction of the tenant at the request of the landlord.

Wrongful Distraint - *Wrongful distraint* is taking, disposing of or selling someone else’s personal property without legal authority.

Note: All of the papers must be read before being signed and returned to the Special Civil Part Office. You must contact the Clerk's Office for the appropriate filing fee.

To File For Return Of Your Personal Property:

If you have been locked out of your rental premises by your landlord and are seeking only the return of your personal property or money to compensate you for the loss of your property if it has been sold or thrown away and cannot be returned, you should fill out the following documents:

- **Form A – Verified Complaint:** Fill in all of the blank spaces, except for the docket number, and sign the verified complaint on page 2.
- **Form B – Order to Show Cause:** Fill in only the plaintiff's name (your name) and the defendant's name (the landlord's name) at the top of the page.
- **Form C – Certification in Support of Order to Show Cause:** Fill in all of the blank spaces, except for the docket number, and sign at the bottom of the page.

To File For Return Of Possession Of Rental Premises And Personal Property:

If you have been locked out or forced out of your rental premises by the landlord and you want to return to the premises and/or you want compensation for losses that resulted from the landlord's action, you must fill out the following documents:

- **Form A-1 – Verified Complaint:** Fill in all of the blank spaces, except for the docket number, and sign the verified complaint on page 2.
- **Form B-1 – Order to Show Cause:** Fill out only the plaintiff's name (your name) and the defendant's name (landlord's name). If the judge grants the relief requested, the landlord must allow you to return to your rental premises.
- **Form C-1 – Certification in Support of Order to Show Cause:** Fill in all of the blank spaces, except for the docket number, and sign at the bottom of the page.

Be Sure To Note the Following:

If the judge grants you relief, you must immediately serve (give) the Defendant/Landlord or the Defendant/Landlord's agent with the order the judge signed and a copy of all of the documents that you filed with the court in support of your application, either:

1. by mailing them by regular and certified mail, return receipt requested or
2. by personally giving the order and a copy of the documents to the Landlord or the Landlord's agent. Be sure to keep a copy of all documents for yourself.

Keep the mail return receipt green card as proof of your service upon the Defendant/Landlord or the Defendant/Landlord's agent.

If the judge has ordered that you appear in court for a hearing concerning the issues in this case, you must appear at that time or the court may dismiss your verified complaint and not grant you the relief that you requested.

Form A

Superior Court Of New Jersey
Law Division, Special Civil Part
_____ County

Plaintiff/Tenant Name

Street Address

Town, State, Zip Code

Telephone Number

vs.

Docket Number _____

Civil Action

Verified Complaint For Wrongful Distraint Seeking Return of Personal Property and Restraints

Defendant/Landlord Name

Street Address

Town, State, Zip Code

Telephone Number

The Plaintiff/Tenant, _____, who is now residing at _____, New Jersey, by way of verified complaint says:

1. Plaintiff/Tenant is the legal tenant of _____, under written/oral lease with _____.
2. On _____, 20____, the Defendant/Landlord _____, locked me out of the premises illegally. My requests for re-entry have not been successful.
3. There is no pending landlord/tenant action in the Special Civil Part Court allowing for my eviction or taking of my personal property. There is no other Court order allowing for my eviction.
4. Plaintiff/Tenant has been deprived of his/her property without due process of law in violation of *N.J.S.A. 2A:33-1, et. seq.*
5. The value of the property is \$_____.
6. The following is a brief description of what occurred:

Form A

WHEREFORE, the Plaintiff/Tenant demands judgment against the Defendant/Landlord:

- A. Ordering the return of Plaintiff/Tenant's personal property and awarding Plaintiff/Tenant court costs; or awarding Plaintiff/Tenant damages in the amount of twice the value of the goods wrongfully distrained and sold pursuant to *N.J.S.A. 2A:33-17* plus court costs;
- B. Awarding Plaintiff/Tenant double costs pursuant to *N.J.S.A. 2A:33-19*;
- C. Any other relief the Court deems appropriate and necessary.

Dated: _____

Signature

VERIFICATON

I am the Plaintiff/Tenant in this action.

I have read the verified complaint in this action and 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.

I certify that the matter in controversy is not the subject of any other court action or arbitration proceeding, now pending or contemplated, and that no other parties should be joined in this action.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*.

Do you need disability accommodations?

Yes No

If yes, please state request: _____

Will an interpreter be needed?

Yes No

If yes, state language: _____

Dated: _____

Signature of Plaintiff/Tenant

Type or Print Name

Form B

**Superior Court Of New Jersey
Law Division, Special Civil Part**
_____ County

Plaintiff/Tenant Name

Docket Number

vs.

Civil Action

Defendant/Landlord Name

**Order To Show Cause For Return of
Personal Property and Restraints**

This matter having been opened to the Court by the Plaintiff/Tenant, and it appearing from the attached Verified Complaint and supporting Certification that the Defendant/Landlord has wrongfully withheld the Plaintiff/Tenant's personal property, and it appearing that the Plaintiff/Tenant is suffering immediate harm thereby, and the Plaintiff/Tenant having requested an Order (1) compelling the Defendant/Landlord to restore the Plaintiff/Tenant to possession of his/her personal belongings restraining the Defendant/Landlord and/or Defendant's/Landlord's agents from using any further self-help means to wrongfully withhold Plaintiff's/Tenant's personal belongings and award for court costs; or instead (2) awarding damages for Defendant's/Landlord's failure to return Plaintiff's/Tenant's personal property plus court costs; and it appearing that Defendant/Landlord was given notice of this application for relief;

Do Not Write Below This Line – For Court Use Only

It is on this ____ day of _____, 20__,

ORDERED that the Defendant/Landlord show cause before the undersigned Judge of the _____ County Superior Court in _____, New Jersey on the ____ day of _____, 20__, ____ a.m. p.m. or as soon thereafter as the matter may be heard, why the Defendant/Landlord should not be stopped from further interference with Plaintiff/Tenant's personal property, and why judgment should not be entered against Defendant/Landlord for damages and court costs; and it is

ORDERED, that the Defendant/Landlord immediately restore Plaintiff/Tenant to possession of his/her personal property; and it is further

ORDERED, that the Defendant/Landlord, and any agents/employees of Defendant/Landlord, are restrained from further interference with Plaintiff's/Tenant's personal property; and it is further

ORDERED, that the Defendant/Landlord shall file written opposition to the order to show cause, by way of an answer, answering affidavit or motion, and proof of service by _____, 20__. The original documents must be filed with the Office of the Special Civil Part in the county listed above. A list of these offices is provided. You must send a copy of your opposition papers directly to Judge _____, whose address is _____, New Jersey. You must also send a copy of your opposition papers to the Plaintiff/Tenant whose name and address appear on the verified complaint.

Form B

A telephone call will not protect your rights; you must file and serve your opposition (with the fee if you file an answer) if you want the Court to hear your opposition to the relief the Plaintiff/Tenant is seeking, and it is further

ORDERED, that if the Defendant/Landlord does not file and serve opposition to this order to show cause, the application may be decided on the papers on the return date and relief may be granted by default; and it is further

ORDERED, that the Defendant/Landlord take notice that the Plaintiff/Tenant, named above, has filed a lawsuit against you in the Special Civil Part of the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis for this lawsuit. If you dispute this complaint, you, or your attorney, must file a written Answer to the complaint and proof of service **within 35 days from the date of service** of this order to show cause, not counting the day you received it.

These documents must be filed with the Office of the Special Civil Part in the county listed above. Include the appropriate filing fee payable to the “*Treasurer, State of New Jersey.*” You can find out the amount of the filing fee by calling the Special Civil Part Office. You must also send a copy of your Answer to the Plaintiff/Tenant whose name and address appear on the verified complaint. A telephone call will not protect your rights; you must file and serve your Answer (with the fee) or judgment by default may be entered against you.

Please note: Opposition to the Order to Show Cause is not an Answer and you must file both.

If you do not file and serve an answer within 35 days of service of this Order, the court may enter a default against you for the relief the Plaintiff/Tenant demands. If the Plaintiff/Tenant seeks money damages, then the court may enter a judgment against you, and any interest accrued on the damage’s amount and the costs of the lawsuit. If a money judgment is entered against you, a Special Civil Part Officer may seize your money, wages, or personal property to pay all or part of the judgment, and it is further

ORDERED, that the Defendant/Landlord may move to modify or dissolve this Order upon _____ day(s) written notice to the plaintiff; and it is further

ORDERED, that a copy of this Order to Show Cause, verified complaint and supporting certification submitted in support of this application shall be served by the Plaintiff/Tenant upon the Defendant/Landlord personally, or if such service cannot be made, by certified mail, return receipt requested, and regular mail, within _____ days of the date of this Order, and provide proof of such service to the Court no later than three (3) days before the hearing date.

If you cannot afford an attorney, free legal advice may be available by contacting Legal Services at _____. If you can afford to pay an attorney but do not know one, you may call the Lawyer Referral Services of your local county Bar Association at _____.

If you need an interpreter or an accommodation for a disability, you must notify the court immediately.

Dated: _____

J.S.C.

Form C

**Superior Court Of New Jersey
Law Division, Special Civil Part**
_____ County

Plaintiff/Tenant Name

Docket Number

vs.

Civil Action

Defendant/Landlord Name

**Certification In Support of Order to
Show Cause for Return of Personal
Property and Restraints**

I, _____, residing at

_____, make this certification in support of my application
of relief:

1. I was illegally locked out of my rented house/apartment. My personal property was confiscated by the Defendant/Landlord and has not been returned.
2. I have been unsuccessful in my attempts to regain my personal belongings since the illegal lockout.
3. I have suffered and will continue to suffer hardships because my personal belongings have been kept from me.
4. I hereby certify that I notified the landlord (or the landlord's lawyer) that I was going to make this application for relief today. Explain how you notified the landlord or lawyer and what they said:

5. In view of the above, I respectfully request that the Court grant me immediate relief.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statement made by me are willfully false, I am subject to punishment.

Dated: _____

Signature of Plaintiff/Tenant

Type or Print Name

Form A-1

**Superior Court Of New Jersey
Law Division, Special Civil Part**
_____ County

Plaintiff/Tenant Name

Street Address

Town, State, Zip Code

Telephone Number

Docket Number

vs.

Civil Action

**Verified Complaint To Restore
Plaintiff To Possession of Premises
and Other Relief**

Defendant/Landlord Name

Street Address

Town, State, Zip Code

Telephone Number

The Plaintiff/Tenant who is now residing at _____,
New Jersey, by way of verified complaint says:

1. Plaintiff/Tenant is the legal tenant of _____, under written/oral lease with _____.
2. On _____, 20__, the Defendant/Landlord, _____, locked me out of the premises illegally. Verbal pleas to the Defendant/Landlord have not resulted in re-entry.
3. Defendant/Landlord's actions constitute an unlawful entry in violation *N.J.S.A. 2A:39-1, et. seq.*
4. The following is a brief description of what occurred: (Attach additional information if needed)

WHEREFORE, the Plaintiff/Tenant demands judgment against the Defendant/Landlord:

- A. Ordering the restoration of the leased premises to the Plaintiff/Tenant;
- B. Awarding damages proximately caused by the unlawful entry, reasonable attorney's fees and costs pursuant to *N.J.S.A. 2A:39-8*;

Form A-1

C. Awarding treble damages if a return to the property is deemed by the Court to be an inappropriate remedy, pursuant to *N.J.S.A. 2A:39-8*; and

D. Any other relief the Court deems appropriate and necessary.

Dated: _____

Signature Plaintiff / Tenant

VERIFICATON

I am the Plaintiff/Tenant in this action.

I have read the verified complaint in this action and 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.

I certify that the matter in controversy is not the subject of any other court action or arbitration proceeding, now pending or contemplated, and that no other parties should be joined in this action.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*.

Do you need disability accommodations?

Yes No

If yes, please state request: _____

Will an interpreter be needed?

Yes No

If yes, state language: _____

Dated: _____

Signature of Plaintiff/Tenant

Type or Print Name

Form B-1

**Superior Court Of New Jersey
Law Division, Special Civil Part**
_____ County

Plaintiff/Tenant Name

Docket Number

VS.

Civil Action

**Order To Show Cause For Return to
Premises With Restraints**

Defendant/Landlord Name

This matter having been opened to the Court by the Plaintiff/Tenant, and it appearing from the attached Verified Complaint that the Defendant/Landlord has wrongfully interfered with the plaintiff’s possession of the premises rented by the plaintiff, and it appearing that the plaintiff is suffering immediate harm thereby, and the plaintiff having requested an Order (1) compelling Defendant/Landlord to restore Plaintiff/Tenant to possession of his/her personal belongings and to possession of the premises rented by the Plaintiff; (2) restraining the defendant and his agent(s) from interfering with the plaintiff’s peaceable possession of said premises without due process of law; and why judgment should not be entered against Defendant/Landlord for damages and court costs and (3) restraining the defendant and any agent(s) from using any self – help means to remove plaintiff and his/her personal possessions from the premises, and good cause appearing; and it appearing that Defendant/Landlord was given notice of this application for relief;

Do Not Write Below This Line – For Court Use Only

It is on this ____ day of _____, 20__.

ORDERED that the Defendant/Landlord show cause before the undersigned Judge of the _____ County Superior Court in _____, New Jersey on the ____ day of _____, 20__, ____ a.m. p.m. or as soon thereafter as the matter may be heard, why the defendant should not be stopped from further interference with Plaintiff’s possession/enjoyment of his/her apartment/house; and it is

ORDERED, that the Defendant/Landlord immediately restore the plaintiff to possession of his/her personal property and to possession of the premises rented from the defendant; and it is further

ORDERED, that the Defendant/Landlord and any agent(s) or employee(s) of the defendant are restrained from interfering with the plaintiff’s peaceable possession of said premises without due process of law; and it is further

ORDERED, that the Defendant/Landlord and any agent(s) or employee(s) of the defendant are restrained from using any self-help means to remove the plaintiff and his/her possessions from the subject premises; and it is further

ORDERED, that the Defendant/Landlord shall file written opposition to the order to show cause, by way of an answer, answering affidavit or motion, and proof of service by _____, 20__. The original documents must be filed with the Office of the Special Civil Part in the county listed above. You must send a copy of your opposition papers directly to Judge _____, whose address is _____, New Jersey. You must also send a copy of your opposition papers to the Plaintiff/Tenant whose name and address appear

Form B-1

on the verified complaint. A telephone call will not protect your rights; you must file and serve your opposition (with the fee if you file an answer) if you want the Court to hear your opposition to the relief the Plaintiff/Tenant is seeking, and it is further

ORDERED, that if the Defendant/Landlord does not file and serve opposition to this order to show cause, the application may be decided on the papers on the return date and relief may be granted by default; and it is further

ORDERED, that the defendant take notice that the plaintiff, named above, has filed a lawsuit against you in the Special Civil Part of the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis for this lawsuit. If you dispute this complaint, you, or your attorney, must file a written Answer to the complaint and proof of service **within 35 days from the date of service** of this order to show cause, not counting the day you received it.

These documents must be filed with the Office of the Special Civil Part in the county listed above. Include the appropriate filing fee payable to the “*Treasurer, State of New Jersey.*” You can find out the amount of the filing fee by calling the Special Civil Part Office. You must also send a copy of your Answer to the Plaintiff/Tenant whose name and address appear on the verified complaint. A telephone call will not protect your rights; you must file and serve your Answer (with the fee) or judgment by default may be entered against you. **Please note: Opposition to the order to show cause is not an Answer and you must file both.**

If you do not file and serve an answer within 35 days of service of this Order, the court may enter a default against you for the relief the Plaintiff/Tenant demands. If the Plaintiff/Tenant seeks money damages, then the court may enter a judgment against you, and any interest accrued on the damage’s amount and the costs of the lawsuit. If a money judgment is entered against you, a Special Civil Part Officer may seize your money, wages, or personal property to pay all or part of the judgment, and it is further

ORDERED, that the Defendant/Landlord may move to modify or dissolve this Order upon _____ day(s) written notice to the plaintiff; and it is further

ORDERED, that a copy of this Order to Show Cause, verified complaint and supporting certification submitted in support of this application shall be served by the Plaintiff/Tenant upon the Defendant/Landlord personally, or if such service cannot be made, by certified mail, return receipt requested, and regular mail, within _____ days of the date of this Order, and provide proof of such service to the Court no later than three (3) days before the hearing date.

If you cannot afford an attorney, free legal advice may be available by contacting Legal Services at _____. If you can afford to pay an attorney but do not know one, you may call the Lawyer Referral Services of your local county Bar Association at _____.

If you need an interpreter or an accommodation for a disability, you must notify the court immediately.

Dated: _____

J.S.C.

Form C-1

**Superior Court Of New Jersey
Law Division, Special Civil Part**
_____ County

Plaintiff/Tenant Name

Docket Number

vs.

Civil Action

Defendant/Landlord Name

**Certification in Support of Order to Show
Cause to Restore Plaintiff to Possession of
Leased Premises and Other Relief**

I, _____, residing at

_____, make this certification in support of my application
of relief:

1. I was illegally locked out of my rented house/apartment.
2. Verbal pleas to the Defendant/Landlord have not resulted in re-entry.
3. The Defendant/Landlord has not filed the necessary Complaint in the Tenancy Court to allow for the eviction.
4. In view of the above, I respectfully request that the Court grant me immediate relief.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statement made by me are wilfully false, I am subject to punishment.

Dated: _____

Signature of Plaintiff/Tenant

Type or Print Name