

## **RULE 4:45. Judgment By Confession**

### **4:45-1. Warrant of Attorney**

A judgment by confession shall not be entered upon a warrant of attorney which is included in the body of a bond or other instrument for the payment of money.

**Note:** Source-R.R. 4:57-1.

### **4:45-2. Procedure to Confess Judgment**

No judgment shall be entered on warrant of attorney in any action on a bond or other instrument for the payment of money, except on motion after notice to the defendant served in lieu of summons in accordance with R. 4:4-4 or by registered or certified mail. On the return day of the motion, the attorney at law, confessing judgment pursuant to the warrant, shall produce to the court the warrant therefor, the bond or instrument, and the affidavit of the plaintiff or plaintiff's attorney or agent, to which is attached a copy of the warrant and instrument, stating the true consideration for the liability stated in the instrument, the amount then justly due the plaintiff, and that the judgment is not confessed with a fraudulent intent or to protect the property of the defendant from creditors. The court may require additional proof in such form as it directs that the warrant was duly executed, the person liable is living and was notified of the application, and the debt or a part thereof is unsatisfied. The court shall then, if satisfied with the proofs, order entry of a judgment for such amount as it finds to be due.

**Note:** Source-R.R. 4:57-2, 4:57-3; amended July 13, 1994 to be effective September 1, 1994.