



How to File For a Writ of Possession in a Foreclosure Case

(Superior Court of New Jersey - Chancery Division - General Equity)

Who Should Use This Packet?

You should use this packet if you have purchased a foreclosed property at Sheriff Sale and are seeking to remove the former property owner from the property.

All Writs of Possession must have a filing fee of \$50 payable to the *Treasurer, State of New Jersey*, be dated and have an **original, ink signature**. Copies, if submitted, will be returned.

With limited exceptions, any paper filed with the court can be looked at by the public. You may only file documents on behalf of yourself. You may not file documents for anyone else. A Power of Attorney does not allow you to file on behalf of anyone else. Documents filed on behalf of anyone else will be returned.

Note: These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The 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 on the Judiciary's Internet site [njcourts.gov](#). However, you are ultimately responsible for the content of your court papers.

Writs to be filed with the Office of Foreclosure should be submitted to:
Superior Court Clerk's Office
Office of Foreclosure
P.O. Box 971
Trenton, New Jersey 08625

Things to Think About Before You Represent Yourself in Court

Try to Get a Lawyer

Caution: Some Foreclosure cases are very complex and you should consider getting a lawyer. The court system can be confusing and it is a good idea to get a lawyer if you can. The law, the proofs necessary to present your case, and the procedural rules governing cases in the Chancery Division, General Equity Part are complex. Most likely your opponent will be represented by a lawyer. It is recommended that you make every effort to obtain the assistance of a lawyer. 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. Their telephone number can be found 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. That 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 supply you with the names of attorneys in your area willing to handle your particular type of case and will 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.

If you decide to proceed without an attorney, these materials explain the procedures that **must** be followed to have your papers properly filed and considered by the court. Failure to follow procedures can result in a delay with processing your documents.

These materials do not provide information on the law governing your claims or defenses; information on how to conduct pretrial discovery; information on alternative dispute resolution procedures, such as mediation, that may be available or required in your case; information on the kinds of evidence you need

to prove your claims or defenses at trial; or information on other procedural and evidentiary rules governing foreclosure cases.

What You Should Expect If You Represent Yourself

While you have the right to represent yourself in court, you should not expect special treatment, help, or attention from the court. 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 copies of all completed forms and documents related to your case.

Definitions of Words Used in This Packet

Assignee - An *assignee* is a person to whom a right in the real property is legally transferred.

Certification - A *certification* is a written statement you make when you file your papers with the court in which you state that all the information contained in the papers is true to the best of your knowledge.

Defendant - The *defendant* is the person being sued.

Docket Number - A *docket number* is the number the court assigns to a case so that it may be identified and located easily. You **must** include the docket number on all your communications regarding your case. **Note: Documents without a docket number cannot be filed.**

File - To *file* means to give the court the appropriate documents, forms and fees to begin the processing of your case.

Plaintiff - The *plaintiff* is the person who files a complaint in a lawsuit.

Pro se - *Pro se* is a Latin term that means “on one’s own behalf.” A plaintiff or defendant in a law suit who does not have an attorney is said to be appearing *pro se*.

Proof of Mailing - *Proof of mailing* is the form in which you provide the dates and method you used to give the other parties copies of the papers that you filed in court.

Sheriff’s Deed - A *sheriff’s deed* is a document that gives ownership of real property to a buyer who purchased the property at a sheriff’s sale (a sale held by a sheriff to pay a court judgment against the owner of the property)

Writ of Possession - A *Writ of Possession* is a court order that grants a person the right of possession of real property that they are not currently in possession of. The writ of possession will be served on the party currently in possession of the property by the sheriff’s office, who will enforce the transfer of the property.

The numbered steps listed below tell you what forms you will need to fill out and what to do with them. Each form should be typed or printed clearly on 8 1/2" x 11" white paper only. Forms may not be filed on a different size or color paper.

Steps for Applying for a Writ of Possession

STEP 1: Complete the *Writ of Possession* (Form A).

In the *Writ of Possession*, you set forth specific information about the property that was purchased at the Sheriff's Sale. This information includes the County where the Sheriff's Sale occurred, the date of the Final Judgment, the name of the plaintiff and defendant(s) in the Foreclosure action and the names of the party that is seeking possession of the property. The Writ of Possession must also include the street address of the property.

The Writ of Possession must have the same caption as the Final Judgment and Writ of Execution. The caption of these documents is contained within the Sheriff's Deed that is obtained at the time of the Sheriff's Sale.

All requests for Writs of Possession must be filed at:

The Administrative Office of the Courts
Superior Court Clerk's Office
PO Box 971
Trenton, NJ 08625.

STEP 2: Complete the *Certification in Support of the Writ of Possession* (Form B).

The *Certification in Support of the Writ of Possession* provides the Court with information about the Sale of the property. This information includes the party that is seeking possession of the property, the names of the defendants-mortgagors who may be occupying the property and the property address. The Certification also details that the party seeking possession of the property is not attempting to evict any lawful tenants from the property.

The Certification in Support of the Writ must have a copy of the Sheriff's deed attached to provide evidence that the party seeking the Writ has a legal right to the property. The Certification in Support of the Writ can be completed by the party who purchased the property at Sheriff Sale, their attorney or their assignee.

Note: if the party seeking the Writ of Possession is represented by an attorney, that attorney will **first** have to file a Notice of Appearance to enter the matter. Once the Notice of Appearance is filed, the Writ of Possession can be submitted. If the Notice

of Appearance is not submitted and processed prior to the Writ of Possession being submitted, the Writ of Possession will be returned with instructions that a Notice of Appearance must be filed. **DO NOT submit the Notice of Appearance with the Writ of Possession.**

STEP 3: Attach the Filing Fee

The fee for filing a Writ of Possession in Superior Court is \$50.00. Write a check in that amount payable to the *Treasurer, State of New Jersey*.

STEP 4: Check Your Completed Forms.

Check your forms to make sure that they are complete and that you have signed them in the appropriate places.

Checklist - You must have all of the following items:

- _____ The original *Writ of Possession* (Form A).
- _____ The original *Certification in Support of the Writ of Possession* (Form B), with a copy of the Sheriff's Deed.
- _____ Filing fee of \$50 in the form of a check or money order, made payable to the *Treasurer, State of New Jersey*. **Do not mail cash.**

STEP 5: Mail or Deliver the Forms to the Court

Mail or deliver to the court the original *Writ of Possession* and *Certification in Support of the Writ of Possession* to the clerk's office at the address below. All documents sent to the Clerk's Office must have a have an **original, ink signature**.

Superior Court Clerk's Office
Foreclosure Processing Services
P.O. Box 971
Trenton, New Jersey 08625

Keep copies of all papers you provide to the court or any other party. Make and keep for yourself copies of all completed forms and any canceled checks, money orders, receipts, bills, contract estimates, letters, leases, photographs and other important papers that relate to your case. Keep copies of any certified mail return receipt cards as proof of service.

Instructions for Completing the Writ of Possession (Form A)

1. At the top left of the form, enter your name, address, daytime phone number, and email address. If you are not an attorney, leave the *Attorney ID* field blank. **Note: the email address is required.**
2. On the line labeled *Plaintiff(s)*, type or print the plaintiff's name. This is usually the name of the party or bank that filed the foreclosure complaint.
3. On the line labeled *Defendant(s)*, enter the name(s) of the defendants listed on the complaint.
4. On the line labeled *County*, enter the county where the case is filed.
5. On the line labeled *Docket Number*, enter the foreclosure docket number. This information is contained within the Sheriff's Deed that is obtained at the time of the Sheriff's Sale.
6. On the first line, enter the county where the Sheriff is located.
7. To the right of *Whereas*, enter the date of the final judgment. This information is contained within the Sheriff's Deed that is obtained at the time of the Sheriff's Sale.
8. In the space after *Chancery Division*, enter the county where the case is venued.
9. In the line following *wherein*, list the plaintiff in the case. Similarly, in next line, list the defendants.
10. In the next area, following *Complaint and any Amendment(s)* list the defendants – mortgagors of the property.
11. Enter the address of the property in the line following *premises are particularly described as follows*.
12. In the line following *Sheriff's Deed was drawn to*, list the plaintiff, its assignee or the successful bidder at Sheriff's Sale who is seeking possession of the property.
13. Enter the same information (as above) on the line following *unlawfully deprived*.
14. Enter the plaintiff, its assignee or the successful bidder at Sheriff's Sale who is seeking possession of the property on the first line of the second paragraph, beginning with *THEREFORE*.
15. In the third paragraph starting with *MAKE known*, this information is to be completed by the Court.
16. In the last paragraph following the word *Honorable*, this information is to be completed by the Court.

Form A

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.

Name _____
Address _____
Daytime Telephone _____
Email Address _____
Attorney ID _____

Superior Court of New Jersey
Chancery Division - General Equity
_____ County

Docket Number: F - _____

Plaintiff(s)
v.

Defendant(s)

Civil Action
Writ of Possession

The State of New Jersey to the Sheriff of _____ County:

WHEREAS on the ____ day of _____, 20__, by a certain judgment of the Superior Court of New Jersey, Chancery Division, _____ County, in a cause therein pending, wherein _____, is the plaintiff and _____, is the defendant(s), it was ordered and adjudged that the plaintiff, its assignee, or the successful bidder at Sheriff's Sale, recover the possession of the lands and premises, with appurtenances described in its Complaint and any Amendment(s) to the Complaint, if any, from the following defendants _____, and any other parties or occupants holding under them, which premises are particularly described as follows:

_____, and it being represented to the court that the Sheriff's Deed was drawn to _____, the possession of which said lands and premises the said defendants have hitherto unlawfully deprived _____, as appears to us of record.

THEREFORE, you are hereby commanded that, without delay, you cause _____, to have possession of the said lands and premises with the appurtenances thereunto belonging and appertaining; and

MAKE known to the Superior Court of New Jersey aforesaid at Trenton, New Jersey within 6 months next, the manner in which you have executed this Writ; and have you then and there with this Writ.

WITNESS, the Honorable _____, Judge of the Superior Court, at Trenton, New Jersey, aforesaid this ____ day of _____, 20__.

Clerk of the Superior Court

Instructions for Completing the Certification in Support of the Issuance of the Writ of Possession (Form B)

1. At the top left of the form enter your name, address, daytime phone number, and email address. If you are not an attorney, leave the *Attorney ID* field blank. **Note: the email address is required.**
2. On the line labeled *Plaintiff(s)*, type or print the plaintiff's name. This is usually the name of the party or bank that filed the foreclosure complaint.
3. On the line labeled *Defendant(s)*, enter the name(s) of the defendants listed on the complaint.
4. On the line labeled *County*, enter the county where the case is filed.
5. On the line labeled *Docket Number*, enter the foreclosure docket number. This information can be found in the complaint that was served on you.
6. List the name of the plaintiff, plaintiff's attorney, assignee or successful bidder at Sheriff's Sale on the line that says *I, the undersigned*.
7. In item #1, enter the date of the Sheriff's sale.
8. Enter the address of the property on the line in item #2.
9. Enter the name(s) of the defendant- mortgagors on the line in item #3.
10. In item #5, on the line following is *because such persons are the*, list the affiliation to property (owners, former owners, etc.)
11. Date and sign the form, and print your name under the signature. **Note:** when you sign this form, you are certifying that the statements made on the form are true. If you willfully make false statements, you may be subject to punishment.

Form B

Name _____
Address _____
Daytime Telephone _____
Email Address _____
Attorney ID _____

Superior Court of New Jersey
Chancery Division - General Equity
_____ County

Docket Number: F - _____

Plaintiff(s)

v.

Defendant(s)

Civil Action

**Certification in Support of
Issuance of Writ of Possession**

I, the undersigned, _____, hereby give this Certification in support of the issuance of a Writ of Possession.

1. A Sheriff's Sale Occurred on _____.
2. The premises of which the execution of the Writ of Possession is requested is:

3. The name or names of each individual against whom this writ is to issue are as follows:

4. The person(s) named above, against whom this writ is to issue, are not protected by the provisions of NJ Tenant Anti-Eviction statute, *N.J.S.A. 2A:18-61.1 et seq.*, as enunciated in the N.J. Supreme Court case of *Chase Manhattan Bank vs. Josephson*, 135 NJ 209 (1994).
5. The reason why the above-named persons against whom this writ is to issue are not protected by New Jersey's Anti-Eviction Act, *N.J.S.A. 2A:18-61.1 et seq.*, is because such persons are the _____, of the mortgaged premises, not tenants or former tenants protected by the act.

I 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

Date _____

Signature

Print Name