

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to the Rules Governing the Courts of the State of New Jersey are adopted to be effective September 1, 2008.

For the Court,
/s/ Stuart Rabner
Chief Justice

Dated: July 9, 2008

4:64-3. Surplus Moneys

(a) Applications Made by Parties Named in the Judgment of Foreclosure.

[Petitions] Applications for withdrawal of surplus moneys in foreclosure actions may be presented at any time after the sale [and may be heard by the court] on motion in accordance with R. 1:6-3, and notice to all parties, including defaulting defendants whose claims are not directed in the execution to be paid out of the proceeds of sale. Such motions made by a party named in the judgment of foreclosure shall be filed with the Office of Foreclosure. The Office of Foreclosure shall report on and recommend the entry of orders for the withdrawal of surplus money provided the motion is unopposed. The report of the Office of Foreclosure shall list the priority of all lien claims and shall include the amounts due any lien holder who has filed a claim to surplus money supported by proofs required by Rule 4:64-2.

(b) Motions by Others. A motion made by a non-party to the judgment of

foreclosure shall be filed in the vicinage. A motion for payment of surplus money prior to the delivery of the deed also shall be filed in the vicinage. [If any order is made for the payment of such surplus before the delivery of the deed, the] The sheriff or other officer making the sale shall accept the receipt or order of the person to whom such surplus, or any part of it, is ordered to be paid, as payment to that extent of the purchase money, or may pay the same to such person. Payments shall be made in accordance with R. 4:57-2.

Note: Source – R.R. 4:82-4; amended July 29, 1977 to be effective September 6, 1977; amended July 16, 1981 to be effective September 14, 1981; amended July 13, 1994 to be effective September 1, 1994; amended July 10, 1998 to be effective September 1, 1998; former text amended and reallocated into paragraphs (a) and (b), and paragraph (a) and (b) captions adopted July 9, 2008 to be effective September 1, 2008.