NOTICE TO THE BAR

AMENDMENTS TO RULE 6:7-1 AND APPENDIX XI-H ("EXECUTION AGAINST

GOODS AND CHATTELS")

On May 17, 2011, the Supreme Court approved changes to Rule 6:7-1(b)(2) and the form

Execution against Goods and Chattels, which is Appendix XI-H to the Rules of Court, with those

changes to be effective as of May 17, 2011. The amendments to Rule 6:7-1(b)(2) and Appendix

XI-H were necessary in order to conform with new federal regulations that went into effect on

May 1, 2011, requiring banks and other financial institutions to look back two months and

exclude from garnishment any exempt benefits that were electronically deposited during that

period. Rule 6:7-1(b)(2) only required a 45-day look back period, thus necessitating the

amendments. Accompanying this Notice are the Court's Order, the amended Rule and amended

form.

Questions regarding the amendments to Rule 6:7-1(b)(2) and Appendix XI-H may be

directed to Robert D. Pitt, Chief of Special Civil Part Services, in the Civil Practice Division of

the Administrative Office of the Courts, P.O. Box 981, Trenton, NJ 08102.

/s/ Glenn A. Grant

Hon. Glenn A. Grant, J.A.D.

Acting Administrative Director of the Courts

Dated: June 8, 2011

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rule 6:7-1(b) and

Appendix XI-H of the Rules Governing the Courts of the State of New Jersey are

adopted to be effective immediately.

For the Court,

/s/ Stuart Rabner

**Chief Justice** 

Dated: May 17, 2011

- 6:7-1. Requests for Issuance of Writs of Execution; Contents of Writs of Execution and Other Process for the Enforcement of Judgments; Notice to Debtor; Claim for Exemption; Warrant of Removal; Enforcement of Consent Judgments and Stipulations of Settlement in Tenancy Actions
  - (a) ... no change
- (b) Contents of Writs of Execution and Other Process for the Enforcement of Judgments. All writs of execution and other process for the enforcement of judgments shall provide that any levy pursuant thereto shall exclude:

(1) all funds in an account of the debtor with a bank or other financial institution, if all deposits into the account during the 90 days immediately prior to service of the writ were electronic deposits, made on a recurring basis, of funds identifiable by the bank or other financial institution as exempt from execution, levy or attachment under New Jersey or federal law, and

(2) all funds deposited electronically in an account of the debtor with a bank or other financial institution during the [45 days] two months immediately prior to [service of the writ] the account review undertaken by the bank or other financial institution in response to the writ that are identifiable by the bank or other financial institution as exempt from execution, levy or attachment under New Jersey or federal law.

- (c) ... no change.
- (d) ... no change.
- (e) ... no change.

Note: Source – R.R. 7:11-1; former rule redesignated as paragraph (a) and paragraph (b) adopted and caption amended July 16, 1981 to be effective September 14, 1981; paragraph (b) amended November 1, 1985 to be effective January 2, 1986; caption amended and paragraph (c) adopted November 7, 1988 to be effective January 2, 1989; paragraphs (b) and (c) amended July 14, 1992 to be effective September 1, 1992; caption and paragraph (c), caption and text, amended July 13, 1994 to be effective September 1, 1994; paragraph (a) caption and text amended June 28, 1996 to be effective September 1, 1996; caption amended and paragraph (d) adopted July 18, 2001 to be effective November 1, 2001; paragraph (c) amended September 14, 2004 to be effective immediately; paragraph (a) amended July 27, 2006 to be effective September 1, 2006; caption

amended, former paragraph (b) redesignated as paragraph (c) and amended, former paragraphs (c) and (d) redesignated as paragraphs (d) and (e), and new paragraph (b) caption and text adopted July 23, 2010 to be effective September 1, 2010; subparagraph (b)(2) amended May 17, 2011 to be effective immediately.

## APPENDIX XI-H EXECUTION AGAINST GOODS AND CHATTELS

| DOCKET NO.: DC<br>JUDGMENT NO.: VJ<br>WRIT NUMBER:  |   |
|---|---|
|   | EXECUTION AGAINST GOODS AND CHATTELS  |
| PLAINTIFF(S)  |   |
| VS.   |   |
|   | DEBTORS:  |
| DEFENDANT(S)  |   |
| ADDRESS OF FIRST DEBTOR   | <br>R:  |
| STREET ADDRESS  |   |
| CITY NJ ZIP   |   |
| TO: COURT OFFICER OF THE SPECI  |   |
| COURT OFFICER OF THE SPECI  | AL CIVIL PART   |
| to satisfy this execution in full or in part. the debtor with a bank or other financial prior to service of the writ were electron other financial institution as exempt from funds deposited electronically in an accordays] two months immediately prior to financial institution in response to the writerian execution, levy or attachment under who shall pay them to the creditor or the for execution shall be valid for two years Local police departments are authorized | and requested to provide assistance, if needed, to the officer executing this |
| writ. This does not authorize entry to a re   | esidence by force unless specifically directed by court order.                |
| Judgment Date   | Date:   |
| Judgment Amount   |   |
| Costs and Atty. Fees  | \$  |
| Subsequent Costs  | \$ Judge  |
| Total   | \$  |
| Credits, if any   |   |
| Subtotal A  |   |
| Interest Execution costs and mileage  |   |
| Subtotal B  |   |
| Court officer fee   | ······································  |
| Total due this date   |   |
| Date:   | ( ) Satisfied ( ) Partly Satisfied  |
| Property to be Levied   | Amount Collected  |
| Upon and Location of Same:  |   |
|   | Fee Deducted  |
|   | Amount Paid to Atty   |
| CITY ST ZIP   | Amount I aid to Auy   |
| CREDITOR'S ATTORNEY AND ADDRESS   | S: Date:  |
|   |   |
|   | _   |
| CURV. NI STR  |   |
| CITY NJ ZIP   | Court Officer   |
| Telephone:  | IDENIGED MAN 17 A0111   |