

## NOTICE TO THE BAR

### **Assignment of Judgments – Requirement to Include Assignee Name in Caption of Any Post-Judgment Civil Process – New Rule 1:4-10 – Effective September 1, 2016**

By definition, when there is an assignment of a judgment, the assignee becomes the party in interest and the assignor has no further interest in the action or the enforcement of the judgment. New Rule 1:4-10, adopted as part of the August 1, 2016 Omnibus Rule Amendment Order to be effective September 1, 2016, requires all post-judgment process submitted to or issued by the court to contain the present assignee's name in the caption subsequent to the name of the original plaintiff or assignor (e.g., "ABC Credit Card Company, original plaintiff by New Credit Card Company, Assignee vs. John Doe, defendant). This captioning requirement is intended to minimize confusion and avoid delay in processing post-judgment documents, such as wage garnishments, goods and chattel writ executions, and warrants for arrest.

Certain forms are prepared by the Superior Court, Law Division, Special Civil Part, including wage executions, goods and chattel writs and statements for docketing. Those forms issued by the court shall include the assignee's name designated in the caption. Where a form is not court-generated, such as the warrant for arrest, that form shall contain the assignee's name, where required. Only those post-judgment documents that conform to this rule requirement should be forwarded to the sheriff or Special Civil Part Officer for action. Similarly, all post-judgment documents submitted to the Superior Court, Law Division, Civil Part, subsequent to the filing of an assignment of judgment must include the names of the assignee and assignor in the caption.

Where a judgment issued by the Superior Court, Law Division or Special Civil Part, has been docketed as a statewide judgment lien and there was a previously filed assignment of judgment, all post-judgment requests to the Superior Court Clerk's Office shall require the assignee's name in the caption subsequent to the name of the original plaintiff or assignor.

Any Civil or Special Civil post-judgment documents where there has been an assignment that do not contain the proper caption reflecting the name of the assignee shall be filed and marked "non-conforming" and no additional action should be taken pending correction of the document by the filing party.



Glenn A. Grant, J.A.D.

Acting Administrative Director of the Courts

Dated: September 6, 2016