

## NOTICE TO THE BAR

### FILING PRACTICES IN THE SUPERIOR COURT CLERK'S OFFICE; FORECLOSURE REQUESTS FOR DEFAULT.

This notice sets forth (1) changes in filing requirements in foreclosure cases, and (2) changes related to requests for default in foreclosure cases. Specifically, the changes require attorneys and law firms representing clients in foreclosure cases to file documents electronically through eCourts and requiring proofs of service to be uploaded as an exhibit for requests for default.

#### **Required Electronic Filing in Foreclosure Cases and Statewide Judgment Liens**

The Judiciary Electronic Filing Imaging System (JEFIS) will sunset for Foreclosure as of September 30, 2016. The system will be replaced by a new electronic filing application - eCourts. This new electronic filing application allows attorneys to file documents online at any time, and provides real-time remote access to electronic case files in Foreclosure and in the Special Civil Part (DC), which includes statewide judgment lien documents.

The eCourts system, which is an approved electronic filing and record keeping system pursuant to Rule 1:32-2A, has been operational in the Criminal Division since 2014 and in the Tax Court since 2015. All New Jersey attorneys in good standing who have completed their Annual Attorney Registration online can use eCourts for all available case types, including Foreclosure.

The eCourts system will be operational for Foreclosure in all counties as of September 30, 2016. Explanatory materials on foreclosure filing practices in eCourts are at [http://www.judiciary.state.nj.us/ecourts/Foreclosure Attorney User Guide.pdf](http://www.judiciary.state.nj.us/ecourts/Foreclosure_Attorney_User_Guide.pdf).

By Supreme Court Order dated September 23, 2016, all attorneys seeking to file documents in foreclosure must do so electronically in eCourts. Where an attorney

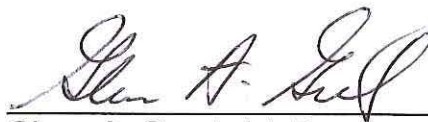
submits a document on paper in foreclosure, that document will be returned to the attorney unfiled.

Attorneys who are not filing documents electronically through JEFIS are encouraged to establish a collateral account through the Judiciary Account Charge System (JACS), since at present a JACS account is required to electronically file in eCourts. Information on establishing a JACS account can be found at <http://www.judiciary.state.nj.us/jacs/index.html>.

### **Requests for Default in Foreclosure Cases**

By notice to the bar dated April 25, 2016, the Office of Foreclosure discontinued the practice of sending return notices to cure deficient motions for final judgment. As a result, a considerable number of motions for final judgment are now being denied on the basis that the service documents are defective. The filing practices related to requests for foreclosure defaults thus must be revised so as to allow for earlier review of service documents. Accordingly, an attorney seeking to have default entered against a non-appearing foreclosure defendant must submit all proofs of service electronically as an exhibit attached to the electronically submitted "request for default." Where that exhibit is not attached to the electronically submitted request for default, the document will be returned electronically to the filing attorney without the entry of default.

Questions regarding this notice may be directed to Michelle M. Smith, Clerk of the Superior Court, by email at [michelle.smith@njcourts.gov](mailto:michelle.smith@njcourts.gov) or by telephone at 609-421-6100.



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Glenn A. Grant, J.A.D.  
Acting Administrative Director of the Courts

Dated: September 23, 2016

## SUPREME COURT OF NEW JERSEY

In support of implementation of electronic filing in the Superior Court of New Jersey, it is ORDERED that pursuant to N.J. Const. Art. VI, sec. 2, par. 3, the Rules of Court are supplemented and relaxed such that upon implementation of eCourts in Foreclosure and in the Special Civil Part (DC docket), all New Jersey attorneys filing documents in Foreclosure and in the Special Civil Part (DC docket), including statewide judgment liens, shall be required to submit those documents electronically; and

It FURTHER ORDERED that where eCourts is or becomes available for an additional case type, the provisions of this order shall apply and attorneys shall be required to submit documents in that case type electronically to the Office of the Superior Court Clerk; and

It is FURTHER ORDERED that the provisions of Rule 1:5-6 ("Filing") are supplemented and relaxed so as to permit pleadings submitted in paper form that are required to be filed electronically to be returned to the filing party marked as "received but not filed," with those returned documents to be electronically filed within 10 days in order to preserve the original received date.

For the Court,



Chief Justice

Dated: September 23, 2016