

SENATE, No. 1835

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1997

By Senators MATHEUSSEN and ZANE

1 AN ACT concerning writs of execution and amending N.J.S.2A:18-27.

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3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

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6 1. N.J.S.2A:18-27 is amended to read as follows:

7 2A:18-27. A writ of execution issued out of the Superior Court,
8 Law Division, Special Civil Part shall remain valid and effective for the
9 purpose of a levy, and shall be operative and effective against any
10 goods and chattels levied upon, for **[one year]**two years from the date
11 of its issuance, unless sooner satisfied. Thereafter it shall be void. The
12 officer shall make a return to the clerk of the proceedings had by him
13 on such writ forthwith after a satisfaction thereof, otherwise within
14 **[one year]** two years.

15 (cf: P.L.1991, c.91, s.49.)

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17 2. This act shall take effect immediately.

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STATEMENT

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22 Under current law, writs of execution against personnel property
23 issued by the Special Civil Part of the Superior Court are valid for a
24 period of one year. This one year limitation can cause problems when,
25 for example a judgment-debtor agrees to pay a judgment in
26 installments that last longer than one year. In such situations, the writ
27 of execution is returned partially satisfied at the end of the year and
28 the judgment creditor has to request and pay for the issuance of a new
29 writ. This causes added expense for litigants and added work for
30 court personnel. Implementing a recommendation of the Supreme
31 Court's Committee on the Special Civil Part, this bill would provide
32 that writs of execution issued by the Special Civil Part be valid for a
33 period of two years.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

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3 Provides that writs of execution issued by the Special Civil Part be

4 valid for two years.