

Notice to the Bar

Reinstatement of Dismissed Foreclosure Cases – Reinstatement Fee; Number of Dismissals Permitted Before Filing a New Complaint is Required

On April 30, 2019, the Supreme Court adopted a series of rule amendments as recommended by the Special Committee on Residential Foreclosure. Rule 4:64-8 was amended to establish restoration or reinstatement fees for dismissed foreclosure cases, as follows:

An application to reinstate the matter shall be accompanied by payment of a \$100 restoration fee to the Clerk of the Superior Court, made payable to the "Treasurer, State of New Jersey," if the motion to reinstate is made within 30 days after the entry of the order of dismissal or suppression, or a \$300 restoration fee if the motion is made thereafter.

By Order dated July 9, 2019 (published with this notice), the Court relaxed the provisions of Rule 4:64-8 as thus amended to set the amount of the reinstatement fee at "twice the amount of the complaint," consistent with the language of N.J.S.A. 2A:50-56.3, which was enacted to become effective August 1, 2019. The Court's rule relaxation order thus has the same August 1, 2019 effective date.

By that same order, the Court expanded the limitation on dismissals from two to three before the requirement to file a new complaint is triggered and specifically exempted from that count certain dismissals resulting from compliance with federal law or regulation. Thus, once a matter has been dismissed three times, absent an exemption the plaintiff will be required to file a new foreclosure complaint.

Any questions regarding this notice may be directed to Michelle Smith, Clerk of the Superior Court, at michelle.smith@njcourts.gov or 609-815-2900 ext. 54200.



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

Dated: July 30, 2019

SUPREME COURT OF NEW JERSEY

Pursuant to N.J. Const. Art. VI., sec. 2 par. 3, it is ORDERED that, effective August 1, 2019 and until further order, the provisions of 4:64-8 of the Rules Governing the Courts of the State of New Jersey are supplemented and relaxed so as to conform to N.J.S.A. 2A:50-56.3, specifically so as to require (a) that the fee for reinstatement of a dismissed foreclosure action shall be twice the amount set for filing a foreclosure complaint; and (b) that a plaintiff must file a new complaint where the foreclosure matter has been dismissed three times, excluding any dismissals based on a federal exemption. The provisions of this order shall remain in effect pending development and adoption of conforming rule amendments.

For the Court,

A handwritten signature in blue ink, appearing to read "Sandra Palmer", is written over a horizontal line.

Chief Justice

Dated: July 9, 2019
