

DIRECTIVE #13-06
(Supersedes Directive #12-80)

[Questions or comments may
be directed to 609-292-8470.]

To: ASSIGNMENT JUDGES
CIVIL PRESIDING JUDGES
SPECIAL CIVIL PART SUPERVISING JUDGES

From: PHILIP S. CARCHMAN, J.A.D.

Subj: SPECIAL CIVIL PART OFFICERS — FEES FOR EVICTIONS

Date: JULY 31, 2006

Effective September 1, 2006, this Directive supersedes Directive #12-80 (“Additional Charges for Evictions”), which was issued August 11, 1981.

A landlord seeking a warrant for possession in tenancy is required by N.J.S.A. 22A:2-37.1 to pay \$15 plus mileage to the clerk of the Special Civil Part, who then pursuant to N.J.S.A. 22A:2-37.2 pays a Special Civil Part Officer \$10 plus mileage to serve and, if necessary, execute the warrant. The mileage for both serving and executing the warrant is normally paid with the \$15 fee at the beginning of the process and is retained by the Special Civil Part Officer whether or not the warrant is executed. Directive #12-80 has permitted Special Civil Part Officers to charge “additional amounts” for “additional services pertaining to [the] eviction,” with the prior agreement of the landlord and subject to limits set by the Assignment Judge of the vicinage. Under that prior Directive the additional fees charged for such services vary from county to county, ranging from \$35 to \$60.

The Supreme Court has determined that the practice must be regularized across the State and, further, that fees cannot be charged for services that are not rendered. Accordingly, Directive #12-80 is superseded effective September 1, 2006, with the following procedures to be followed thereafter:

1. The court shall charge a landlord \$15.00 for issuance of the warrant for possession in tenancy actions, plus mileage to serve the warrant.
2. The court shall pay the Special Civil Part Officer \$10.00 plus mileage for service of the warrant.

3. For each execution of a warrant for possession in tenancy, the Special Civil Part Officer, pursuant to prior arrangement with and agreement of the landlord, may charge up to a maximum of \$50.00, plus mileage, for any services relating to execution of the warrant, the eviction of the tenant, and the restoration of the landlord to possession. The fees for additional services and mileage shall be paid by the landlord directly to the Special Civil Part Officer and the Officer must indicate the amounts thus received in the spaces designated for that purpose on the warrant. If the landlord does not agree to pay for additional services, the Special Civil Part Officer shall execute the warrant upon payment of the mileage by the landlord, but without performing any additional services.
4. Mileage is allowed only for travel actually incurred in serving or executing the warrant. In no event is mileage to be collected by the clerk or the Special Civil Part Officer for an "anticipated" execution, since the execution in many instances in fact may prove not to be necessary.

Any questions regarding this Directive or its implementation may be directed to Robert Pitt, Chief, Special Civil Part Services, in the AOC's Civil Practice Division, at 609-292-8470.

P.S.C.

RDP/dma

cc: Chief Justice Deborah T. Poritz
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