

PROCEDURES FOR REQUESTING A WRIT OF EXECUTION

IN A CIVIL OR MISCELLANEOUS CASE

A writ of execution is a process issued by the Court for the enforcement of a money judgment, as provided in Fed. R. Civ. P. 69(a). Rule 69(a) links the procedure on execution to that of the state where the court is located, i.e., N.J.S.A. 2A:17-1 *et seq.*.

Like other process, Fed. R. Civ. P. 4.1(a) requires that the writ be served by a United States Marshal or deputy marshal or by a person specially appointed for that purpose. See also L. Civ. R. 4.1.

No execution may issue on a judgment until 14 days after its entry, see Fed.R.Civ.P. 62(a).

Forms for writs of execution are available at the New Jersey District Court's website:

www.njd.uscourts.gov. Go to the Forms tab and click on the Civil tab.

The "Writ of Execution" form is for civil (cv) cases and the "Writ of Execution for Registered Judgments" form is for miscellaneous (mc) cases.

Writs should not be submitted electronically on the Court's ECF system, they should be mailed.

Whether service is effectuated by the U.S. Marshal or by a specially appointed person, a writ of execution form must be completed along with the attached affidavit. The affidavit **MUST** be notarized by a Notary Public. Any affidavits not notarized will be returned.

Service by the U.S. Marshal:

A USM-285 form and a \$100 check made payable to the "U.S. Marshals Service" must accompany the completed writ of execution form and notarized affidavit.

The USM-285 form is available at the U.S. Marshal's website: www.usmarshals.gov/district/nj/. Click on the "site map" at the top of the home page. On the USMS Site Index page, scroll down to "Service of Court Process" and click on "Form USM-285." Additional information may be found in the same area under "Civil Process," and on the right side of Civil Process under "Writ of Execution."

One (1) original and five (5) copies of each document along with a self-addressed, stamped envelope to return a copy to the requestor is required.

Service by Specially Appointed Person:

A motion, pursuant to Fed. R. Civ. P. 4.1(a), and proposed order must accompany the completed writ of execution form and notarized affidavit.

One (1) original and three (3) copies of each document along with a self-addressed, stamped envelope for return copy to the requestor is required.

Questions regarding writs of execution may be directed to the appropriate office:

Newark: (973) 645-4555; Trenton: (609) 989-2065 Camden: (856) 757-5021

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