

2A: 16-11; 2A: 16-18

LEGISLATIVE HISTORY CHECKLIST

(Judgments--change from periodic payments to fixed dollar amount--arrearsages)

NJSA 2A:16-11; 2A:16-18

LAWS 1982

CHAPTER 65

Bill No. S1365

Sponsor(s) Russo

Date Introduced May 10, 1982

Committee: Assembly

Senate Judiciary

Amended during passage  Yes  No

Date of Passage: Assembly June 17, 1982

Senate June 28, 1982

Date of approval July 17, 1982

Following statements are attached if available:

Sponsor statement  Yes  No

Committee Statement: Assembly  Yes  No

Senate  Yes  No

Fiscal Note  Yes  No

Veto Message  Yes  No

Message on signing  Yes  No

Following were printed:

Reports  Yes  No

Hearings  Yes  No

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6/22/81

SENATE, No. 1365

STATE OF NEW JERSEY

INTRODUCED MAY 10, 1982

By Senator RUSSO

Referred to Committee on Judiciary

AN ACT concerning judgments in the Superior Court, Chancery Division and amending N. J. S. 2A:16-11, N. J. S. 2A:16-18 and P. L. 1981, c. 388.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. N. J. S. 2A:16-11 is amended to read as follows:

2 2A:16-11. The clerk of the superior court shall keep a book  
3 known as a civil judgment and order docket in which shall be  
4 entered, without any request, an abstract of each judgment or order  
5 for the payment of money entered from, or made in, the superior  
6 court. A judgment or order for the payment of money is one which  
7 has been reduced to a fixed dollar amount. *Any judgment for*  
8 *periodic payments where a total amount has not been fixed shall*  
9 *not be considered as having been reduced to a fixed dollar amount*  
10 *unless a judgment fixing arrearages has been entered.*

11 The entry required by this section shall constitute the record of  
12 the judgment, order or decree and a transcript thereof duly certified  
13 by the clerk of the court shall be a plenary evidence of such judg-  
14 ment, order or decree.

15 The clerk shall also make an entry upon the civil *judgment*  
16 *and order docket* indicating the nature of every judgment or order  
17 and an entry on return showing execution of process and the date  
18 when such judgment or order was entered.

1 2. N. J. S. 2A:16-18 is amended to read as follows:

2 2A:16-18. Every judgment, or order for the payment of money,  
3 entered in the Superior Court, Chancery Division, from the time

**Matter printed in italics thus is new matter.**

4 of its entry upon the civil *judgment and order* docket, and every  
5 decree or order for the payment of money, of the former court of  
6 chancery, from the time it was signed, shall have the force, opera-  
7 tion and effect of a judgment of the Superior Court, Law Division,  
8 and execution may issue thereon as in other cases.

1 3. Section 5 of P. L. 1981, c. 388 is amended to read as follows:

2 5. This act shall take effect on the first day of the sixth month  
3 following enactment and shall apply only to judgments or orders  
4 for the payment of money entered by notation thereof upon the civil  
5 *judgment and order* docket subsequent to the effective date of this  
6 act.

1 4. This act shall take effect immediately.

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#### STATEMENT

Under recently enacted legislation, the anachronistic distinction which permitted a Law Division judgment to automatically act as lien on real property while a Chancery Division judgment had to be docketed to act as a lien was eliminated. Now a Chancery Division judgment may automatically act as a lien on real property provided the judgment has been reduced to a fixed dollar amount. This bill would clarify that a judgment for periodic payments, for example, alimony and child support payments, shall not be considered as having been reduced to a fixed dollar amount unless a judgment fixing arrearages has been entered.

The bill would also clarify that a lien would become effective upon entry on the civil judgment and order docket.

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S1365(1982)

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 1365**

**STATE OF NEW JERSEY**

DATED: MAY 24, 1982

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The bill would also clarify that a lien would become effective upon entry on the civil judgment and order docket.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE: .

CONTACT: DAVID DE MAIO

JULY 12, 1982

Governor Thomas H. Kean today signed the following bills:

S-1365, sponsored by Senator John F. Russo (D-Ocean), clarifies the law concerning judgements of periodic payments, such as alimony or child support, which are converted from formula payments to a fixed-dollar amount. The bill requires that a judgement fixing arrearage payments be entered before a court can set a fixed-dollar amount for reduced periodic payments.

The clarification is necessary because of the different way certain judgements are treated between the Law and Chancery Divisions of State Superior Court. Specifically, monetary judgements obtained from the Law Division automatically acted as liens against real property. Similar judgements from the Chancery Division did not. The legislation, which takes effect immediately, clarifies what is considered an anachronism in legal procedure.

S-901, sponsored by Senator Steven Perskie (D-Atlantic), allows the cities of Absecon and Pleasantville, and the borough of Buena, to share in the \$60,000 appropriation of Clean Waters Fund monies originally set aside for loans to residents in Egg Harbor whose well water was contaminated by toxic wastes.

The funds are to be used as loans to the towns for the planning and construction of residential water supply facilities.

Governor Kean conditionally vetoed the original legislation because it omitted Buena from sharing in the loan program.

S-928, sponsored by Senator Gerald Stockman (D-Mercer), exempts employees of the Henry Austin Health Center in Trenton from membership in the Public Employees Retirement System for service rendered prior to November 22, 1978.

The original bill was conditionally vetoed by Governor Kean on May 6, 1982 because it left optional the exemption.

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