

2A:16-1 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA 2A:16-1 et al (Superior Court judgments act as liens on real property)

LAWS 1981 CHAPTER 388

Bill No. 53161

Sponsor(s) Perskie

Date Introduced March 23, 1981

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Judiciary

Amended during passage Yes ~~XX~~ Amendments denoted by asterisks

according to Governor's recommendations
Date of Passage: Assembly Nov. 16, 1981

Re-enacted 1-4-82

Senate April 27, 1981

Re-enacted 12-17-81

Date of approval January 6, 1982

Following statements are attached if available:

Sponsor statement	Yes	XX
Committee Statement: Assembly	Yes	XX Not attached since identical to sponsors statement
Senate	Yes	XX
Fiscal Note	XX	No
Veto Message	Yes	XX
Message on signing	Yes	XX

Following were printed:

Reports	XX	No
Hearings	XX	No

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 3161

STATE OF NEW JERSEY

INTRODUCED MARCH 23, 1981

By Senator PERSKIE

Referred to Committee on Judiciary

AN ACT concerning judgments in the Superior Court, Chancery Division, amending N. J. S. 2A:16-1*, N. J. S. 2A:16-11* and N. J. S. 2A:16-18 and repealing N. J. S. 2A:16-19 and N. J. S. 2A:16-20.

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

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

2 2A:16-1. No judgment of the superior court [, law division, or
3 of the county court, law division,] shall affect or bind any real
4 estate, but from the time of the actual entry of such judgment on
5 the minutes or records of the court.

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

2 N. J. S. 2A:16-11. The clerk of the superior court shall keep a
3 book 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 law
6 division of] the superior court [and, when so requested in writing
7 by any party thereto pursuant to law, an abstract of each such
8 judgment or order entered from, or made in, the chancery division
9 of the superior court, and of each decree or order, for the payment
10 of money or costs heretofore made or entered in the former court
11 of chancery but not entered in the former supreme court, containing
12 the following information:

13 a. The title of the court, the names at length of all the parties to
14 such judgment, order or decree designating particularly against
15 whom it is rendered, and the firm name of all copartnerships, if
16 such appear in the pleadings;

17 b. The style of the action and the amount of the debt, damages
18 and costs recovered, which shall be entered in figures and words at
19 length: and

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

20 c. The date of the actual entry of such judgment, order or decree
 21 by notation thereof upon the civil docket]. ***A judgment or order*
 21A *for the payment of money is one which has been reduced to a fixed*
 21B *dollar amount.***

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

26 The clerk shall also make an entry upon the civil docket indicating
 27 the nature of every judgment or order and an entry on return
 28 showing execution of process and the date when such judgment or
 29 order was entered.*

1 ***[2.]*** *3.* 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
 4 of its entry upon the civil docket, and every decree or order for
 5 the payment of money, of the former court of chancery, from the
 6 time it was signed, shall have the force, operation and effect of a
 7 judgment of the Superior Court, Law Division, and execution may
 8 issue thereon as in other cases [, subject, however, to the provisions
 9 of section 2A:16-19 of this title].

1 ***[3.]*** *4.* N. J. S. 2A:16-19 and N. J. S. 2A:16-20 are repealed.

1 ***[4.]*** *5.* This act shall take effect ****[immediately]**** ***on*
 2 *the first day of the sixth month following enactment and shall apply*
 3 *only to judgments or orders for the payment of money entered by*
 4 *notation thereof upon the civil docket subsequent to the effective*
 5 *date of this act**.*

SENATE, No. 3161

STATE OF NEW JERSEY

INTRODUCED MARCH 23, 1981

By Senator PERSKIE

Referred to Committee on Judiciary

AN ACT concerning judgments in the Superior Court, Chancery Division, amending N. J. S. 2A:16-1 and N. J. S. 2A:16-18 and repealing N. J. S. 2A:16-19 and N. J. S. 2A:16-20.

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

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

2 2A:16-1. No judgment of the superior court [], law division, or
3 of the county court, law division,] shall affect or bind any real
4 estate, but from the time of the actual entry of such judgment on
5 the minutes or records of the court.

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
4 of its entry upon the civil docket, and every decree or order for
5 the payment of money, of the former court of chancery, from the
6 time it was signed, shall have the force, operation and effect of a
7 judgment of the Superior Court, Law Division, and execution may
8 issue thereon as in other cases [], subject, however, to the provisions
9 of section 2A:16-19 of this title].

1 3. N. J. S. 2A:16-19 and N. J. S. 2A:16-20 are repealed.

1 4. This act shall take effect immediately.

STATEMENT

Presently, a judgment obtained in the Law Division of the Superior Court automatically acts as lien against real property. However, a judgment obtained in the Chancery Division must be docketed in order to act as lien. The procedure is an anachronism dating from when the courts of law and the courts of equity were separate entities in the New Jersey legal system. The purpose of this bill is to remove this distinction between Law and Chancery Division judgments and to provide that Chancery Division judgments act automatically as liens on real property.

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

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SENATE, No. 3161

STATE OF NEW JERSEY

INTRODUCED MARCH 23, 1981

By Senator PERSKIE

Referred to Committee on Judiciary

AN ACT concerning judgments in the Superior Court, Chancery Division, amending N. J. S. 2A:16-1*, N. J. S. 2A:16-11* and N. J. S. 2A:16-18 and repealing N. J. S. 2A:16-19 and N. J. S. 2A:16-20.

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5 the minutes or records of the court.

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

2 N. J. S. 2A:16-11. The clerk of the superior court shall keep a
3 book 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 law
6 division of] the superior court [and, when so requested in writing
7 by any party thereto pursuant to law, an abstract of each such
8 judgment or order entered from, or made in, the chancery division
9 of the superior court, and of each decree or order, for the payment
10 of money or costs heretofore made or entered in the former court
11 of chancery but not entered in the former supreme court, containing
12 the following information:

13 a. The title of the court, the names at length of all the parties to
14 such judgment, order or decree designating particularly against
15 whom it is rendered, and the firm name of all copartnerships, if
16 such appear in the pleadings;

17 b. The style of the action and the amount of the debt, damages
18 and costs recovered, which shall be entered in figures and words at
19 length; and

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

20 c. The date of the actual entry of such judgment, order or decree
21 by notation thereof upon the civil docket~~].~~

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

26 The clerk shall also make an entry upon the civil docket indicating
27 the nature of every judgment or order and an entry on return
28 showing execution of process and the date when such judgment or
29 order was entered.*

1 *~~[2.]~~* *3.* 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
4 of its entry upon the civil docket, and every decree or order for
5 the payment of money, of the former court of chancery, from the
6 time it was signed, shall have the force, operation and effect of a
7 judgment of the Superior Court, Law Division, and execution may
8 issue thereon as in other cases ~~],~~ subject, however, to the provisions
9 of section 2A:16-19 of this title~~].~~

1 *~~[3.]~~* *4.* N. J. S. 2A:16-19 and N. J. S. 2A:16-20 are repealed.

1 *~~[4.]~~* *5.* This act shall take effect immediately.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 3161

STATE OF NEW JERSEY

DATED: JUNE 22, 1981

Presently, a judgment obtained in the Law Division of the Superior Court automatically acts as a lien against real property. However, a judgment obtained in the Chancery Division must be docketed in order to act as lien. The procedure is an anachronism dating from when the courts of law and the courts of equity were separate entities in the New Jersey legal system. The purpose of Senate Bill No. 3161 is to remove this distinction between Law and Chancery Division judgments and to provide that Chancery Division judgments act automatically as liens on real property.

SENATE AMENDMENTS TO
SENATE, No. 3161
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED DECEMBER 14, 1981

Amend page 2, section 2, line 21, after “.”, insert “A judgment or order for the payment of money is one which has been reduced to a fixed dollar amount.”.

Amend page 2, section 5, line 1, delete “immediately”, insert “on the first day of the sixth month following enactment and shall apply only to judgments or orders for the payment of money entered by notation thereof upon the civil docket subsequent to the effective date of this act.”.

SENATE COMMITTEE AMENDMENTS TO
SENATE, No. 3161

STATE OF NEW JERSEY

ADOPTED MARCH 23, 1981

Amend page 1, title, line 2, after "N. J. S. 2A:16-1", insert ", N. J. S. 2A:16-11".

Amend page 1, section 1, after line 5, insert a new section as follows:
"2. N. J. S. 2A:16-11 is amended to read as follows:

N. J. S. 2A:16-11. The clerk of the superior court shall keep a book known as a civil judgment and order docket in which shall be entered, without any request, an abstract of each judgment or order for the payment of money entered from, or made in, **[the law division of]** the superior court **[and, when so requested in writing by any party thereto pursuant to law, an abstract of each such judgment or order entered from, or made in, the chancery division of the superior court, and of each decree or order, for the payment of money or costs heretofore made or entered in the former court of chancery but not entered in the former supreme court, containing the following information:**

a. The title of the court, the names at length of all the parties to such judgment, order or decree designating particularly against whom it is rendered, and the firm name of all copartnerships, if such appear in the pleadings;

b. The style of the action and the amount of the debt, damages and costs recovered, which shall be entered in figures and words at length; and

c. The date of the actual entry of such judgment, order or decree by notation thereof upon the civil docket**].**

The entry required by this section shall constitute the record of the judgement, order or decree and a transcript thereof duly certified by the clerk of the court shall be a plenary evidence of such judgment, order or decree.

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

Amend page 1, section 2, line 1, omit "2.", insert "3."

Amend page 1, section 3, line 1, omit "3.", insert "4."

Amend page 1, section 4, line 1, omit "4.", insert "5."

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

STATEMENT TO
SENATE, No. 3161
with Senate committee amendments

STATE OF NEW JERSEY

DATED: MARCH 23, 1981

Presently, a judgment obtained in the Law Division of the Superior Court automatically acts as a lien against real property. However, a judgment obtained in the Chancery Division must be docketed in order to act as lien. The procedure is an anachronism dating from when the courts of law and the courts of equity were separate entities in the New Jersey legal system. The purpose of Senate Bill No. 3161 is to remove this distinction between Law and Chancery Division judgments and to provide that Chancery Division judgments act automatically as liens on real property.

At the suggestion of the Administrative Office of the Courts, the committee amendments delete language from an additional section of present law, 2A:16-11, which also required different treatment for chancery judgments.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

December 14, 1981

SENATE BILL NO. 3161 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 (b) of the Constitution, I am returning Senate Bill No. 3161 (OCR) with my objections, for reconsideration.

This bill would unify the Law and Chancery Division procedures for obtaining liens against real property in cases where money judgments have been awarded. At present, money judgments obtained in the Law Division automatically act as liens, whereas in the Chancery Division, attorneys must request that judgments be docketed before they can act as liens. This bill would make the current Law Division procedures applicable to Chancery as well.

Establishing a uniform lien procedure for our unitary court system prospectively is justified by concerns of simplicity and consistency. It would be wasteful, unnecessary, and disruptive, however, to apply the new procedures to Chancery judgments awarded in the past. This would require the classification of 20 years of judgments, as Chancery judgments remain subject to a request for docketing for that period of time. As this bill is unclear as to the extent of its application, I recommend amendments to clarify that the bill is prospective in nature only.

Moreover, it is estimated that implementation of the automatic lien procedure will require that additional personnel be hired and trained by the office of the clerk of the Superior Court. I have therefore recommended that the effective date of this legislation be delayed six months.

Finally, there is a concern that the application of the automatic lien procedure to cases involving awards in the form of incremental payments based upon some formula, rather than a fixed dollar amount, will cloud the title of a significant amount of real property, thereby substantially increasing the amount of uncertainty in the real estate market. Such non-specific judgments rarely occur in the Law Division, but are frequently awarded in Chancery litigation, particularly in matrimonial disputes. To forestall problems of this sort, I recommend that it be made clear that a money judgment, subject to an automatic lien, is one in which the award has been reduced to a specific dollar amount.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

-2-

Accordingly, I herewith return Senate Bill No. 3161 (OCR) for reconsideration and recommend that it be amended as follows:

Page 1, Section 2, Line 21: After "." INSERT "A judgment or order for the payment of money is one which has been reduced to a fixed dollar amount."

Page 2, Section 5, Line 1: DELETE "immediately" INSERT "the first day of the sixth month following its enactment and shall apply only to judgments or orders for the payment of money entered by notation thereof upon the civil docket subsequent to the effective date of this legislation."

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Harold L. Hodes

Chief of Staff, Secretary

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JANUARY 6, 1982

KATHRYN FORSYTH

Governor Brendan Byrne today signed the following bills:

S-3161, sponsored by Senator Steven Perskie (D-Atlantic) which unifies the Law and Chancery Division procedures for obtaining liens against real property in cases where money judgments have been awarded.

Currently, money judgments obtained in the Law Division automatically act as liens, whereas in the Chancery Division, attorneys must request that judgments be docketed before they can act as liens. This bill makes the current Law Division procedures applicable to Chancery.

Governor Byrne conditionally vetoed the bill on December 14, 1981, saying that while the establishment of a uniform lien procedure is "justified by concerns of simplicity and consistency ... it would be wasteful, unnecessary and disruptive... to apply the new procedures to Chancery judgments awarded in the past." He recommended amendments to clarify the fact that the bill is prospective in nature.

He also suggested that the effective date be delayed six months to allow the court time to hire necessary personnel and recommended that the language be clarified to show that a money judgment, subject to an automatic lien, is one in which the award has been reduced to a specific dollar amount.

The Legislature concurred with the Governor's recommendations.

A-669, sponsored by Assemblyman Byron Baer (D-Bergen) which amends and reforms the laws governing absentee ballots by providing for greater security in their handling.

Under the bill, only a family member or registered voter can act as a messenger to obtain a ballot for a sick or confined voter, and the messenger must sign the application in the presence of the county clerk or his designee.

Warnings will be printed on the ballot and on the outside envelopes informing the voter that only he or she can open, mark, inspect, seal, mail or transport the ballot. The warnings will indicate, however, that the voter may be assisted by a family member or, if incapacitated, by someone other than a family member.