

22A:2-7; 22A:2-12

LEGISLATIVE HISTORY CHECKLIST

NJSA 22A:2-7; 22A:2-12

Laws of 1975 Chapter 340

Bill No. S 1081

Sponsor(s) Russo & others

Date Introduced April 16, 1974

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Judiciary

Amended during passage ~~Yes~~ No

Date of passage: Assembly Jan. 8, 1976

Senate Jan. 6, 1976

Date of approval March 3, 1976

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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CHAPTER 346 LAWS OF N. J. 1975  
APPROVED 3-3-76

SENATE, No. 1081

STATE OF NEW JERSEY

INTRODUCED APRIL 16, 1974

By Senators RUSSO, GREENBERG, PARKER and CAFIERO

Referred to Committee on Judiciary

AN ACT concerning fees in civil cases in the courts in certain instances and amending sections 22A:2-7 and 22A:2-12 of the New Jersey Statutes.

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

1 1. N. J. S. 22A:2-7 is amended to read as follows:

2 22A:2-7. Upon the filing, entering, docketing or recording of  
3 the following papers, documents or proceedings by either party to  
4 any action or proceeding in the Law Division of the Superior Court,  
5 the party or parties filing, entering, docketing or recording the  
6 same shall pay to the clerk of said court the following fees:

7 Filing of the first paper in any motion, petition or application,  
8 if not in a pending action or proceeding under section 22A:2-6 of  
9 this Title, or if made after dismissal or judgment entered *other than*  
10 *withdrawal of money deposited in court*, the moving party shall pay  
11 **[\$3.00]** \$5.00 which shall cover all fees payable on such motion,  
12 petition or application down to and including filing and entering  
13 of order therein and taxation of costs.

14 *For withdrawal of money deposited in court where the sum to be*  
15 *withdrawn is less than \$100.00, no fee; where the sum is \$100.00*  
16 *or more but less than \$1,000.00, a fee of \$2.00; where such sum is*  
17 *\$1,000.00 or more, a fee of \$5.00.*

18 Entering judgment on bond and warrant by attorney and issu-  
19 ance of one final process, \$15.00 in lieu of the fee required by  
20 section 22A:2-6 of this Title.

21 Docketing judgments or orders from other courts or divisions,  
22 \$2.00.

23 Satisfaction of judgment or other lien, \$1.00.

24 Recording assignment of judgment or release, \$2.00.

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

25 Issuing of executions and recording same, except as otherwise  
26 provided in this article, \$2.00.

27 Recording of instruments not otherwise provided for in this  
28 article, \$2.00:

29 Filing and entering recognizance of civil bail, \$2.00.

30 Signing and issuing subpoena, \$1.00.

1 2. N. J. S. 22A:2-12 is amended to read as follows:

2 22A:2-12. Upon the filing of the first paper in any action or  
3 proceeding in the Chancery Division of the Superior Court, there  
4 shall be paid to the clerk of the court, for the use of the State, the  
5 following fees, which, except as hereinafter provided, shall consti-  
6 tute the entire fees to be collected by the clerk for the use of the  
7 State, down to the final disposition of the cause:

8 Receivership and partition, \$60.00.

9 For withdrawal of surplus and other moneys **[and assets]**  
10 deposited with the court where the sum **[or value of the asset]**  
11 to be withdrawn is less than **[\$10.00]** \$100.00, no fee; where the  
12 sum **[or value]** is **[\$10.00]** \$100.00 or more but less than **[\$100.00]**  
13 \$1,000.00, a fee of **[\$1.00]** \$2.00; where such sum **[or value]** is  
14 **[\$100.00]** \$1,000.00 or more, a fee of **[\$25.00]** \$5.00.

15 Application for permanent alimony; for withdrawal of mort-  
16 gages and other applications for relief filed subsequent to final  
17 judgment **[\$25.00]** \$5.00.

18 All other actions and proceedings except in probate cases \$60.00.

1 3. This act shall take effect immediately.

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#### STATEMENT

This bill is designed to reduce the fees in the Chancery Division for applications after judgment for withdrawal of surplus moneys in foreclosures and orders to compel support in matrimonial cases. The \$25.00 fee presently charged falls heaviest on persons least able to afford it. At the same time this bill raises the fee for applications and petitions in the Law Division from \$3.00 to \$5.00. This fee has remained unchanged since 1948 and an increase at this time is warranted. It is estimated that the increase in fee in the Law Division will offset any decrease in revenue in the Chancery Division, there being far more applications and petitions in the former branch.