



How to Object to a Bank Account Levy

Superior Court of New Jersey - Special Civil Part

Who Should Use This Packet?

You can use this packet if you received a Notice to Debtor and/or want to object to a bank account levy in the Special Civil Part. You may object to the bank levy based on the fact that the funds that are frozen are exempt because they are social security, child support, welfare, unemployment, etc. There is no fee for filing any objection to a bank account levy.

General requirements for this packet:

When you file an objection to a bank account levy, you must file the following documents:

- Certification in Objection to Levy
- Certification of Service; and
- Three months of prior bank statements for the account that was frozen (levied).

You cannot use this packet for:

- a motion to vacate a judgment or
- an objection to a wage garnishment. If you wish to file an objection to a wage garnishment, use CN 12322 - How to Object to a Wage Garnishment in a Special Civil Part Case.

Note: These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The guides, instructions, and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the forms will be available at the county courthouse or on the Judiciary's Internet site njcourts.gov. However, you are ultimately responsible for the content of your court papers.

Completed forms are to be submitted to the county where you are filing your case. A list of Special Civil Part Offices is provided at the customer counter and at njcourts.gov

Things to Think About Before You Represent Yourself in Court

Try to Get a Lawyer

The court system can be confusing, and it is a good idea to get a lawyer if you can. If you cannot afford a lawyer, you may wish to contact the legal services program in your county to see if you qualify for free legal services. The telephone number can be found online under “Legal Aid” or “[Legal Services](#).”

If you do not qualify for free legal services and need help in locating an attorney, you can contact the bar association in your county. Most county bar associations have a [Lawyer Referral Service](#). The lawyer referral service can supply you with the names of attorneys in your area who usually are willing to handle your particular type of case. Such attorneys are sometimes willing to consult with people in your situation at a reduced fee.

There are also various organizations of minority lawyers throughout New Jersey, as well as organizations of lawyers who handle specialized types of cases. Ask your court staff for a list of lawyer referral services that include these organizations.

What You Should Expect If You Represent Yourself

While you have the right to represent yourself in court, you should not expect special treatment, help or attention from the court. You must still comply with the Rules of the Court, even if you are not familiar with them. The following is a list of some things court staff can and cannot do for you. Please read it carefully before asking court staff for help.

- We *can* explain and answer questions about how the court works.
- We *can* tell you what the requirements are to have your case considered by the court.
- We *can* give you some information from your case file.
- We *can* provide you with samples of court forms that are available.

- We *can* provide you with guidance on how to fill out forms.
- We *can* usually answer questions about court deadlines.
- We *cannot* give you legal advice. Only your lawyer can give you legal advice.
- We *cannot* tell you whether or not you should bring your case to court.
- We *cannot* give you an opinion about what will happen if you bring your case to court.
- We *cannot* recommend a lawyer, but we can provide you with the telephone number of a local lawyer referral service.
- We *cannot* talk to the judge for you about what will happen in your case.
- We *cannot* let you talk to the judge outside of court.
- We *cannot* change an order issued by a judge.

Keep Copies of All Papers

Make and keep for yourself copies of all completed forms and any canceled checks, money orders, sales receipts, bills, contract estimates, letters, leases, photographs and other important documents that relate to your case. Bring all documents to court if you are notified that an appearance is necessary.

Definitions of Words Used in This Packet

Adversary - An *adversary* is a party whose interests are opposed to or opposite the interests of another party.

Bank Levy - A *bank levy* is based upon a goods and chattel execution (writ) issued by the Special Civil Part Court that is served by a Special Civil Part Officer on your bank and it allows creditors to levy (freeze) and then take funds from your bank account. Your bank is required to freeze those funds in your account to potentially satisfy your debts owed to your judgment creditors.

Defendant - The *defendant* is the person (party) against whom the court action (complaint) was filed.

Docket Number - The number the court assigned to this case when the complaint was filed. The *docket number* is listed on the complaint, answer and all pleadings relative to a particular case.

Judgment - A *judgment* is the official decision of a court in a case.

Judgment Creditor - The *judgment-creditor* is the party to whom money is owed.

Judgment Debtor - The *judgment-debtor* is the party who owes money.

Motion - A *motion* is a written request in which you ask the court to issue an order or to change an order it has already issued.

Oral Argument - Personally appearing in court to explain what you want the court to do.

Party - A *party* is a person, business or governmental agency involved in a court action.

Plaintiff - The *plaintiff* is the person (party) who starts the court action by filing the complaint.

Pleading - A *pleading* is the term used for any written statements presented to the court that contain a party's factual and/or legal position.

Return Date - The *return date* is the date the parties are ordered to appear in court.

Service - *Service* refers to the mailing or delivering copies of your papers to the lawyer for the other party or to the other party if they have no lawyer.

Special Civil Part Officer - The *Special Civil Part Officer* was the person assigned to serve the goods and chattel execution (writ) upon your bank account. They earn a 10% commission (calculated at 10% of all money collected) which is added onto the judgment amount.

Wage Garnishment - A *wage garnishment* or *wage execution* is when a court issues an order requiring your employer to hold back a certain amount of money from your paycheck and send it directly to the Special Civil Part Officer on behalf of the person or institution to whom you owe money, until your debt (the judgment) is paid off.

The numbered steps listed below tell you what forms you will need to fill out and what to do with them. Each form should be typed or printed clearly on 8 ½ “x 11” white paper only. Forms may not be filed on a different size or color paper.

Steps to File an Objection to a Bank Account Levy

STEP 1: Fill out the *Certification in Objection to Levy*

The *Certification in Objection to Levy* tells the other side and the court why you are objecting to having a levy (or freeze) on the bank account.

STEP 2: Fill out the *Certification of Service*

The *Certification of Service* tells the court how you got the papers to the other party or parties and/or their attorneys and the date you did so.

STEP 3: Where to file

The objection paperwork must be mailed or delivered to the Office of the Special Civil Part in the county where the case was filed against you. You may object to the bank levy based upon having an “exemption” because the money in the account comes from social security, child support, welfare, unemployment, etc. There is no fee for filing any objection to a bank levy. The county where you must file appears on the Notice to Debtor form that you received from the Special Civil Part Officer.

STEP 4: Check your completed forms

Check your forms and make sure they are complete. Remove all instruction sheets. Make sure you have signed the forms where you are asked to sign them.

Checklist: You must have the following items:

- ___ *Certification in Objection to Levy*
- ___ *Certification of Service*
- ___ *Supporting documentation*
(e.g., copies of bank statements)

STEP 5: Mail or deliver your package of completed papers to the court

You can deliver or mail your objection papers to the court. You must personally deliver or mail a complete copy to all other parties in the case by regular and certified mail, return receipt requested. If any party in the case is represented by an attorney, you can personally deliver or send by ordinary mail to that attorney.

You will receive a green receipt card that can serve as proof that you mailed the copies. Your local post office can tell you how to send certified mail, return receipt requested.

STEP 6: You will get a court date

After you file your papers with the court, and if the *Certification of Service* is complete, a hearing will be scheduled within 7 days before a Judge to determine if some or all of the monies are exempt requiring their release. The court will contact the parties advising of the exact date, time and the place to appear. You must appear in court on this date; if you do not, your objection may be dismissed.

Bring all the evidence (documents, bank statements, witnesses, etc.) you need to support your objection with you to court on your court date.

If you need an interpreter or an accommodation for a disability for your hearing, please contact the court before your court date.

Instructions for Completing the Certification in Objection to Levy

- A. On the top left lines of the Form, enter your name, address and daytime phone number. Make sure to check the box if your address and/or phone number have changed since the initial filing. You can use a P.O. Box if that is the address you use for mail.
- B. On the upper left side of the form, labeled *Plaintiff(s)* and *Defendant(s)*, enter the plaintiff's and defendant's names.
- C. On the line labeled *County*, enter the county where the case is filed.
- D. On the line labeled *Docket Number*, enter the docket number of your case. The Notice to Debtor that you received from the Special Civil Part Officer will have the docket number on it.
- E. In the section, *I object to the bank account levy because*, select the option or options that describe why you are objecting:
- Select the first option if you are not a defendant or judgment debtor in this case (**all** of the money frozen belongs to you).
 - Select the second option if you are not a defendant or judgment debtor in this case (**some** of the money that is frozen belongs to you). Enter that amount on the line provided.
- F. In the section, *I object to the bank account levy because the money in the account is exempt*, select all of the options why you think your money is exempt from a levy.
- Select *Other* if none of the listed options apply; explain the details why you believe they are exempt.
 - **Note:** Attach three months of prior bank statements for the account containing the exempt funds, proof of the source of the monies you believe are exempt, and any other supporting documentation, with your objection.
- G. Select whether you will need Interpreting services or ADA accommodations, and list the language and/or accommodation.
- H. On the line above *Date*, clearly print or type the date on which you sign this form. Sign your name on the line above *Your Signature* and clearly print or type your name on the line below your signature. If you are claiming that you are not a defendant or judgment debtor in this case, you must still sign the form.
- I. An active financial account is the subject of your objection. You must redact (black out) the account number so that it cannot be seen. It is considered a personal confidential identifier. You may use the last four digits of that bank account number to identify it. By signing and dating this form, you are certifying that no confidential personal identifiers (entire social security number, active financial account number, insurance policy number, active credit card number, vehicle plate number, driver's license number, information as to an individual's military status), have been included with your papers submitted to the court. Keep your originals for your own records.

Review all steps for completion before mailing your forms and submitting them to the Court.

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, active credit card number or information as to a person's military status.

Your Information Check if new address/phone number

Name _____

Address _____

Telephone Number _____

_____,
Plaintiff,

v.

Defendant(s).

Superior Court of New Jersey
Law Division, Special Civil Part
_____ County

Docket No: _____

Civil Action
Certification in Objection to Levy

I object to the bank account levy because (select one)

- I am not a defendant or the judgment debtor in the case and all of the money frozen in the account is mine.
- I am not a defendant or a judgment debtor in the case and \$_____ of the money frozen in the account is mine.

I object to the bank account levy because the money in the account is exempt (select all that apply)

- Child Support
- Social Security
- Student Financial Aid
- Pension
- Other (specify) _____
- Personal property up to \$1,000
- Unemployment
- Welfare (TANF or SNAP)
- Worker's Compensation

At the hearing will you need:

- An interpreter Yes No Indicate language: _____
- An accommodation for disability Yes No Indicate accommodation _____

I certify that the forgoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*.

Date

Your Signature

Print or Type Name

Instructions for Completing the Certification of Service

- A. You must make a copy of everything you are sending to the court and send it to all the other parties in the case. You must include all of your supporting papers. Be sure to send the papers to all of the other parties by regular and certified mail, return receipt requested, or deliver personally. If an attorney represents a party, send by ordinary mail or personally deliver a copy to that attorney.
- B. In the line following, *I certify that on...* enter the date you sent the copy of all of your objection paperwork.
- C. Select the method(s) you used to send the copy of all of your objection paperwork to every party in this case.
- D. Under *List each party to the lawsuit*, enter the name and address of each party you served. If an attorney represents the party, enter the attorney's information, and check the applicable box indicating how you sent that attorney a copy of your objection paperwork.
- E. Date and sign the form. The Certification of Service is not valid until signed and dated. The person signing and swearing to the document must print or type their name under the signature. If signing as a guardian for a mentally or physically incompetent person, attach a copy of the authorizing document with the specific authority.

Certification of Service

I certify that on _____, I sent a copy of all of the supporting documentation and forms in support of this Objection to the bank account levy to the following: (check which method you chose, and if sent by both regular (ordinary) mail and certified mail, return receipt requested, check both):

regular (ordinary) mail certified mail, return receipt requested personally served

Each party to the lawsuit listed below was served:

Name _____	Name _____
Address _____	Address _____
_____	_____

Check which method you chose to serve the party's attorney. (if any)

regular (ordinary) mail personally served

Name _____	Name _____
Address _____	Address _____
_____	_____

Attorney for _____ Attorney for _____

Date _____

Your Signature

Print or Type Name