

[First Reprint]

SENATE, No. 2130

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator NIA H. GILL

District 34 (Essex and Passaic)

SYNOPSIS

Creates “Community Wealth Preservation Program”; expands access for certain buyers to purchase property from sheriff’s sales.

CURRENT VERSION OF TEXT

As amended by the Senate on December 2, 2021.



1 AN ACT concerning the procedures for sheriff's sales, designated as
 2 the "Community Wealth Preservation Program," and amending
 3 and supplementing P.L.1995, c.244, and amending N.J.S.22A:4-
 4 8.

5
 6 **BE IT ENACTED** by the Senate and General Assembly of the State
 7 of New Jersey:

8
 9 1. Section 12 of P.L.1995, c.244 (C.2A:50-64) is amended to
 10 read as follows:

11 12. a. With respect to the sale of a mortgaged premises under
 12 foreclosure action, each sheriff in this State shall provide for, but
 13 not be limited to, the following uniform procedures:

14 (1) Bidding in the name of the assignee of the foreclosing
 15 plaintiff.

16 (2) That adjournment of the sale of the foreclosed property shall
 17 be in accordance with N.J.S.2A:17-36.

18 (3) (a) The sheriff shall **[schedule]** conduct a sale **[date]**
 19 within **[120]** 150 days of the sheriff's receipt of any writ of
 20 execution issued by the court in any foreclosure proceeding.

21 (b) If it becomes apparent that the sheriff cannot comply with
 22 the provisions of subparagraph (a) of this paragraph (3), the
 23 foreclosing plaintiff may apply to the office for an order appointing
 24 a Special Master to hold the foreclosure sale.

25 (c) Upon the foreclosing plaintiff making such application to the
 26 office, the office shall issue the appropriate order appointing a
 27 Special Master to hold the foreclosure sale. The office may issue
 28 the order to appoint a Special Master to hold foreclosure sales for
 29 one or more properties within a vicinage.

30 (4) **[That]** Except as otherwise provided in this paragraph with
 31 respect to the purchase of residential property for which there is a
 32 '**[72]** 84¹ month occupancy requirement, '**[that]**' the successful
 33 bidder at the sheriff's sale shall pay a 20 percent deposit in either
 34 cash or by a certified or cashier's check, made payable to the sheriff
 35 of the county in which the sale is conducted, immediately upon the
 36 conclusion of the foreclosure sale. In the case of residential
 37 property in which the bidder shall occupy the property as the
 38 bidder's primary residence for a period of at least '**[72]** 84¹
 39 months, the successful bidder who has fulfilled the requirements set
 40 forth in subsection g. of this section shall pay a 3.5 percent deposit
 41 in either cash or by certified or cashier's check, made payable to the
 42 sheriff of the county in which the sale is conducted, immediately
 43 upon the conclusion of the foreclosure sale. If the successful bidder
 44 cannot satisfy this requirement, the bidder shall be in default and
 45 the sheriff shall immediately void the sale and proceed further with

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

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted December 2, 2021.

1 the resale of the premises without the necessity of adjourning the
2 sale, without renotification of any party to the foreclosure and
3 without the republication of any sales notice. Upon such resale, the
4 defaulting bidder shall be liable to the foreclosing plaintiff for any
5 additional costs incurred by such default including, but not limited
6 to, any difference between the amount bid by the defaulting bidder
7 and the amount generated for the foreclosing plaintiff at the resale.
8 In the event the plaintiff is the successful bidder at the resale, the
9 plaintiff shall provide a credit for the fair market value of the
10 property foreclosed.

11 (5) It is permissible, upon consent of the sheriff conducting the
12 sheriff's sale, that it shall not be necessary for an attorney or
13 representative of the person who initiated the foreclosure to be
14 present physically at the sheriff's sale to make a bid. A letter
15 containing bidding instructions may be sent to the sheriff in lieu of
16 an appearance.

17 (6) That each sheriff's office shall use, and the plaintiff's
18 attorney shall prepare and submit to the sheriff's office, a deed
19 which shall be in substantially the following form:

20 THIS INDENTURE,
21 made this (date) day of (month),
22 (year). Between (name), Sheriff of the County
23 of (name) in the State of New Jersey, party of the first
24 part and (name(s)) party of the
25 second part, witnesseth.

26 WHEREAS, on the (date) day of
27 (month), (year), a certain Writ of Execution was issued out of
28 the Superior Court of New Jersey, Chancery Division-
29 (name) County, Docket No. directed and delivered to the
30 Sheriff of the said County of (name) and which said
31 Writ is in the words or to the effect following that is to say:

32 THE STATE OF NEW JERSEY to the Sheriff of the County of
33 (name),
34 Greeting:

35 WHEREAS, on the (date) day of (month),
36 (year), by a certain judgment made in our Superior Court
37 of New Jersey, in a certain cause therein pending, wherein the
38 PLAINTIFF is:

39
40
41

42 and the following named parties are the DEFENDANTS:

43
44
45

46 IT WAS ORDERED AND ADJUDGED that certain mortgaged
47 premises, with the appurtenances in the Complaint, and Amendment
48 to Complaint, if any, in the said cause particularly set forth and
49 described, that is to say: The mortgaged premises are described as

1 set forth upon the RIDER ANNEXED HERETO AND MADE A
2 PART HEREOF.
3 BEING KNOWN AS Tax Lot (number) in Block
4 (number) COMMONLY KNOWN AS (street address)
5
6 TOGETHER, with all and singular the rights, liberties, privileges,
7 hereditaments and appurtenances thereunto belonging or in anywise
8 appertaining, and the reversion and remainders, rents, issues and
9 profits thereof, and also all the estate, right, title, interest, use,
10 property, claim and demand of the said defendants of, in, to and out
11 of the same, to be sold, to pay and satisfy in the first place unto the
12 plaintiff,
13
14
15 the sum of \$ (amount) being the principal, interest and
16 advances secured by a certain mortgage dated (date,
17 month, year) and given by (name) together with
18 lawful interest from
19
20
21
22 until the same be paid and satisfied and also the costs of the
23 aforesaid plaintiff with interest thereon.
24 AND for that purpose a Writ of Execution should issue, directed to
25 the Sheriff of the County of (name) commanding him to
26 make sale as aforesaid; and that the surplus money arising from
27 such sale, if any there be, should be brought into our said Court, as
28 by the judgment remaining as of record in our said Superior Court
29 of New Jersey, at Trenton, doth and more fully appear; and
30 whereas, the costs and Attorney's fees of the said plaintiff have
31 been duly taxed at the following sum: \$ (amount)
32 THEREFORE, you are hereby commanded that you cause to be
33 made of the premises aforesaid, by selling so much of the same as
34 may be needful and necessary for the purpose, the said sum of
35 \$..... (amount) and the same you do pay to the said plaintiff
36 together with contract and lawful interest thereon as aforesaid, and
37 the sum aforesaid of costs with interest thereon.
38 And that you have the surplus money, if any there be, before our
39 said Superior Court of New Jersey, aforesaid at Trenton, within 30
40 days after pursuant to R.4:59-1(a), to abide the further Order of the
41 said Court, according to judgment aforesaid, and you are to make
42 return at the time and place aforesaid, by certificate under your
43 hand, of the manner in which you have executed this our Writ,
44 together with this Writ, and if no sale, this Writ shall be returnable
45 within **【12】** 24 months.
46 WITNESS, the Honorable (name), Judge of the Superior
47 Court at Trenton, aforesaid, the (date) day of
48 (month), (year).
49 /s/ (Clerk)

Superior Court of New Jersey

/s/.....
Attorney for Plaintiff

As by the record of said Writ of Execution in the Office of the Superior Court of New Jersey, at Trenton, in Book (number) of Executions, Page (number) etc., may more fully appear.

AND WHEREAS I, the said (name), as such Sheriff as aforesaid did in due form of law, before making such sale give notice of the time and place of such sale by public advertisement signed by myself, and set up in my office in the (name) Building in (name) County, being the County in which said real estate is situate and also set up at the premises to be sold at least three weeks next before the time appointed for such sale.

I also caused such notice to be published four times in two newspapers designated by me and printed and published in the said County, the County wherein the real estate sold is situate, the same being designated for the publication by the Laws of this State, and circulating in the neighborhood of said real estate, at least once a week during four consecutive calendar weeks. One of such newspapers, (name of newspaper) is a newspaper with circulation in (name of town), the County seat of said (name) County. The first publication was at least twenty-one days prior and the last publication not more than eight days prior to the time appointed for the sale of such real estate, and by virtue of the said Writ of Execution, I did offer for sale said land and premises at public vendue at the County (name) Building in (name of town) on the (date) day of, (month) (year) at the hour of (time) in the (a.m. or p.m.).

WHEREUPON the said party of the second part bidding therefore for the same, the sum of \$..... (amount) and no other person bidding as much I did then and there openly and publicly in due form of law between the hours of (time) and (time) in the (a.m. or p.m.), strike off and sell tracts or parcels of land and premises for the sum of \$ (amount) to the said party of the second part being then and there the highest bidder for same. And on the (date) of (month) in the year last aforesaid I did truly report the said sale to the Superior Court of New Jersey, Chancery Division and no objection to the said sale having been made, and by Assignment of Bid filed with the Sheriff of (name) County said bidder assigned its bid to:

.....
.....
.....

NOW, THEREFORE, This Indenture witnesseth, that I, the said (name), as such Sheriff as aforesaid under and by the

1 virtue of the said Writ of Execution and in execution of the power
2 and trust in me reposed and also for and in consideration of the said
3 sum of \$ (amount) therefrom acquit, exonerate and
4 forever discharge to the said party of the second part, its successors
5 and assigns, all and singular the said tract or parcel of lands and
6 premises, with the appurtenances, privileges, and hereditaments
7 thereunto belonging or in any way appertaining; to have and hold
8 the same, unto the said party of the second part, its successors and
9 assigns to its and their only proper use, benefit, and behoof forever,
10 in as full, ample and beneficial manner as by virtue of said Writ of
11 Execution I may, can or ought to convey the same.
12 And, I, the said (name), do hereby covenant, promise and
13 agree, to and with the said party of the second part, its successors
14 and assigns, that I have not, as such Sheriff as aforesaid, done or
15 caused, suffered or procured to be done any act, matter or thing
16 whereby the said premises, or any part thereof, with the
17 appurtenances, are or may be charged or encumbered in estate, title
18 or otherwise.
19 IN WITNESS WHEREOF, I the said (name) as such
20 Sheriff as aforesaid, have hereunto set my hand and seal the day and
21 year aforesaid.
22 Signed, sealed and delivered
23 in the presence of
24
25 Attorney at Law of New Jersey(name) Sheriff
26 STATE OF NEW JERSEY) ss.
27(county)
28 I, (name), Sheriff, of the County of (name),
29 do solemnly swear that the real estate described in this deed made
30 to
31
32
33
34 was by me sold by virtue of a good and subsisting execution (or as
35 the case may be) as is therein recited, that the money ordered to be
36 made has not been to my knowledge or belief paid or satisfied, that
37 the time and place of the same of said real estate were by me duly
38 advertised as required by law, and that the same was cried off and
39 sold to a bona fide purchaser for the best price that could be
40 obtained and the true consideration for this conveyance as set forth
41 in the deed is \$ (amount).
42
43 (name), Sheriff
44 Sworn before me, (name), on this (date) day of
45 (month), (year), and I having examined the deed
46 above mentioned do approve the same and order it to be recorded as
47 a good and sufficient conveyance of the real estate therein
48 described.
49 STATE OF NEW JERSEY) ss.

1 (Name) County) Attorney or Notary Public
 2 On this (date) day of (month), (year),
 3 before me, the subscriber, (name) personally
 4 appeared (name), Sheriff of the County of
 5 (name) aforesaid, who is, I am satisfied, the grantor in the within
 6 Indenture named, and I having first made known to him the contents
 7 thereof, he did thereupon acknowledge that he signed, sealed and
 8 delivered the same on his voluntary act and deed, for the uses and
 9 purposes therein expressed.

10

11 Attorney or Notary Public

12 b. At the conclusion of the sheriff's sale, the attorney for the
 13 plaintiff **may** shall prepare and deliver to the sheriff a deed which
 14 shall be in the form provided pursuant to paragraph **[(5)] (6)** of
 15 subsection a. of this section for the sheriff's execution and the deed
 16 shall be delivered to the sheriff within 10 days of the date of the
 17 sale. The sheriff shall be entitled to the authorized fee, as a review
 18 fee, even if the plaintiff's attorney prepares the deed.

19 c. (1) The sheriff's office shall, within two weeks of the date
 20 of the sale, deliver a fully executed deed to the successful bidder at
 21 the sale provided that the bidder pays the balance of the monies due
 22 to the Sheriff by either cash or certified or cashier's check. In the
 23 event a bid is satisfied after the expiration and additional interest is
 24 collected from the successful bidder, the sheriff shall remit to the
 25 plaintiff the total amount, less any fees, costs and commissions due
 26 the sheriff, along with the additional interest.

27 (2) In the case of residential property in which the bidder shall
 28 occupy the property as the bidder's primary residence for a period
 29 of at least ¹**[(72)] 84** months, no interest shall accrue on the balance
 30 of the sale of the property until 60 business days have passed
 31 following the date of the sale, and thereafter, the successful bidder
 32 shall have 30 business days to fulfill the balance. If the successful
 33 bidder fails to fulfill the balance within this 90 business day period,
 34 the bidder shall forfeit the deposit on the property and shall be
 35 responsible for the payment of accrued interest and any fees or
 36 penalties incurred as a result of the sale being void ¹, unless the
 37 failure to fulfill the balance is due to the bidder's inability to close a
 38 mortgage through no fault of their own, such as because the
 39 appraised value of the property is less than the purchase value of the
 40 property, in which case the bidder shall be refunded the deposit on
 41 the property and shall be responsible only for the payment of
 42 accrued interest and any fees or penalties incurred as a result of the
 43 sale being void¹.

44 d. Prior to completion of a sale of residential property, the
 45 foreclosing plaintiff shall disclose whether the property is vacant,
 46 tenant-occupied, or owner-occupied. If the property is vacant, the
 47 financial institution shall provide the successful bidder access to the
 48 property.

1 e. A bidder, including, but not limited to, next of kin of the
2 foreclosed upon defendant, may purchase residential property at a
3 sheriff's sale by way of financing if the bidder provides
4 documentation that the bidder has been pre-approved by a financial
5 institution ¹[on the New Jersey Housing and Mortgage Finance
6 Agency's participating lender list for financing the property. The
7 agency shall mail its participating lender list to the sheriff's office
8 of each county on an annual basis and at any time there is an update
9 to the list] regulated by the Department of Banking and Insurance
10 or by a federal banking agency, as defined by section 3 of the "New
11 Jersey Residential Mortgage Lending Act," P.L.2009, c.53
12 (C.17:11C-53), for financing the property¹.

13 (1) A bidder who intends to finance the purchase of residential
14 property at a sale shall be:

15 (a) limited to submitting bids no higher than the amount for
16 which the bidder has been pre-approved for financing; and

17 (b) required to present current and valid photo identification that
18 substantially conforms to the name and information contained on
19 the financing pre-approval forms obtained by the bidder.

20 (2) ¹[A] With exception to the foreclosed upon defendant or the
21 foreclosed upon defendant's next of kin, a¹ bidder purchasing
22 residential property in a sheriff's sale pursuant to this subsection
23 shall be required by the financial institution to occupy the property
24 as the bidder's primary residence for a fixed term, of at least ¹[72]
25 84¹ months after taking possession. The deed for the property shall
26 clearly state that the property may not be sold for ¹[72] 84¹ months
27 from the date of the sheriff's sale.

28 (3) A successful bidder who finances the purchase and does not
29 occupy the residence for a period of at least ¹[72] 84¹ months shall
30 be assessed a fine by a court of competent jurisdiction up to
31 \$100,000 for the first violation, and \$500,000 thereafter for each
32 subsequent violation. These penalties shall not be assessed against
33 a bidder who finances the purchase in good faith and is thereafter
34 required to vacate the property prior to residing in the property for
35 ¹[72] 84¹ months due to death ¹of the bidder or the bidder's
36 spouse, disability of the bidder or the bidder's spouse, divorce¹ ,
37 military deployment, or foreclosure. In the event of the death of a
38 successful bidder, the property may be transferred to another owner
39 in accordance with applicable laws governing estate, inheritance,
40 and probate matters.

41 f. In the case of a residential property that is financed pursuant
42 to subsection e. of this section, the sheriff's office shall oversee the
43 occupancy of the property, which may include the mailing of a
44 questionnaire to the successful bidder within ¹[72] 84¹ months
45 following the sale, requiring the bidder to respond to questions and
46 submit documentation evidencing the bidder's continued residence
47 at the property. If the agency determines based upon its oversight
48 that there has been an occupancy violation, the agency shall bring

1 an action in a court of competent jurisdiction so that the sheriff's
2 office can pursue enforcement of penalties for the violation.

3 g. In the case of residential property, to be a successful bidder
4 who is not the plaintiff, and who intends to occupy the property,
5 and finance the purchase of the property, the bidder shall have
6 received eight hours of homebuyer education and counseling
7 through a program provided by the United States Department of
8 Housing and Urban Development (HUD), and shall present
9 certification of completion of that program at the time of purchase.

10 h. 'As provided by the New Jersey Housing and Mortgage
11 Finance Agency, each] Each' sheriff's office shall maintain
12 information, written in plain language, regarding the program to
13 finance the purchase of residential property in a foreclosure sale in
14 accordance with this section on its Internet website in a manner that
15 is accessible to the public. Additionally, 'As provided by the New
16 Jersey Housing and Mortgage Finance Agency,]' each sheriff's
17 office shall display information, written in plain language,
18 regarding the program in its office in a manner that is conspicuous
19 to the public. For any county in which the primary language of 10
20 percent or more of the residents is a language other than English,
21 the sheriff's office shall provide the information required by this
22 subsection in that other language or languages in addition to
23 English. The alternate language shall be determined based on
24 information from the latest federal decennial census.

25 i. Any penalty imposed pursuant to this section may be
26 recovered with costs in a summary proceeding commenced by the
27 appropriate sheriff's office pursuant to the "Penalty Enforcement
28 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Fifty percent
29 of any monies collected pursuant to this section shall be forwarded
30 to the municipality in which the foreclosed upon property is located
31 to be deposited in the affordable housing trust fund of the
32 municipality for use on low income housing or moderate income
33 housing needs as defined in section 4. of P.L.1985, c.222
34 (C.52:27D-304), to the extent the municipality maintains such a
35 fund, and if the municipality does not maintain such a fund, to the
36 State Treasurer, and shall annually be appropriated to the "New
37 Jersey Affordable Housing Trust Fund," section 20 of P.L.1985,
38 c.222 (C.52:27D-320) for the purpose of developing and supporting
39 housing programs that create for-sale and rental affordable housing
40 for the workforce. The remaining 50 percent of any monies
41 collected pursuant to this section shall provide for administrative
42 and enforcement costs, including costs incurred by the sheriff's
43 office, necessary to effectuate the purposes of this section.

44 j. If 'As provided by the New Jersey Housing and Mortgage
45 Finance Agency, each] Each' the foreclosed upon
46 defendant or the next of kin of the foreclosed upon defendant has
47 secured financing or assets sufficient to meet terms offered by the
48 foreclosing plaintiff or an alternative financial institution to
49 purchase the property, the foreclosed upon defendant or the next of

1 kin of the foreclosed upon defendant shall have the right of first
2 refusal to purchase the property in the amount approved for the
3 opening bid of the sheriff's sale 'at the time of the sale'.

4 k. As used in this section:

5 "Residential property" means real property located in this State
6 in which people reside or dwell as their primary residence as
7 distinguished from property which is used for investment,
8 commercial, or business purposes.

9 (cf: P.L.2019, c.71, s.1)

10
11 2. N.J.S.22A:4-8 is amended to read as follows:

12 22A:4-8. For the services hereinafter enumerated sheriffs and
13 other officers shall receive the following fees:

14 In addition to the mileage allowed by law, for serving every
15 summons and complaint, attachment or any mesne process issuing out
16 of the Superior Court, the sheriff or other officer serving such process
17 shall, for the first defendant or party on whom such process is served,
18 be allowed \$22.00 and, for service on the second defendant named
19 therein, \$20.00, and for serving such process on any other defendant or
20 defendants named therein, \$16.00 each, and no more. If a man and his
21 wife be named in such process they shall be considered as one
22 defendant, except where they are living separate and apart.

23 Serving summons and complaint in matrimonial actions, in
24 addition to mileage, \$22.00.

25 Serving capias ad respondendum, capias ad satisfaciendum,
26 warrant of commitment, writ of ne exeat, in addition to mileage,
27 \$48.00.

28 Serving order to summon juries and return, \$8.00.

29 Serving every execution against goods or lands and making an
30 inventory and return, in addition to mileage, \$48.00.

31 For returning every writ, \$2.00.

32 Executing every writ of possession and return, in addition to
33 mileage, \$48.00.

34 Executing every writ of attachment, sequestration or replevin
35 issuing out of any of the courts, in addition to mileage, \$48.00.

36 For serving each out-of-State paper, in addition to the mileage
37 allowed by law, \$25.00 for the first defendant on whom such paper is
38 served, \$20.00 for service on the second defendant named therein, and
39 \$16.00 for serving such paper on any other defendant or defendants
40 named therein. If a man and wife be named in such paper, they shall be
41 considered as one defendant, except where they are living separate and
42 apart.

43 For serving or executing any process or papers where mileage is
44 allowed by law, the officer shall receive mileage actually traveled to
45 and from the courthouse, at the rate per mile of \$0.16.

46 The sheriff shall be entitled to retain out of all moneys collected or
47 received by him on a forfeited recognizance, whether before or after
48 execution, or from amercements, or from fines and costs on
49 conviction, on indictment or otherwise, whether such moneys are

1 payable to the State or to the county treasurer of the county wherein
2 conviction was had, **【5%】** five percent.

3 For transporting each offender to the State Prison, per mile, but not
4 less than \$3.00 for each offender, to be certified by the keeper of the
5 prison and the certificate to be delivered to the county treasurer of the
6 county where the conviction was had, \$0.23.

7

8 EXECUTION SALES

9

10 **【When】** Except as to sales conducted in accordance with section
11 12 of P.L.1995, c.244 (C.2A:50-64), when a sale is made by virtue of
12 an execution the sheriff shall be entitled to charge the following fees:
13 On all sums not exceeding \$5,000.00, **【6%】** 10 percent; on all sums
14 exceeding \$5,000.00 on such excess, **【4%】** five percent; the minimum
15 fee to be charged for a sale by virtue of an execution, **【\$50.00】**
16 \$750.00. When sales are conducted in accordance with section 12 of
17 P.L.1995, c.244 (C.2A:50-64), the sheriff shall be entitled to charge
18 the following fees: On all sums not exceeding \$5,000.00, six percent;
19 on all sums exceeding \$5,000.00 on such excess, four percent; the
20 minimum fee to be charged for a sale by virtue of an execution,
21 \$50.00.

22 On an execution against wages, commissions and salaries, the
23 sheriff shall charge the same percentage fees on all sums collected as
24 those percentage fees applicable in cases wherein an execution sale is
25 consummated.

26 When the execution is settled without actual sale and such
27 settlement is made manifest to the officer, the officer shall receive
28 **【1/2】** one-half of the amount of percentage allowed herein in case of
29 sale.

30 Making statement of execution, sales and execution fees, \$10.00.

31 Advertising the property for sale, provided the sheriff or deputy
32 sheriff attend in pursuance of the advertisement, \$20.00.

33 Posting property for sale, \$20.00.

34 For the crier of the vendue, when the sheriff proceeds to sell, for
35 every day he shall be actually employed in such sale, \$5.00.

36 Every adjournment of a sale, but no more than one adjournment
37 shall be allowed, and if the sheriff shall have several executions
38 against a defendant, he shall only be allowed for advertising, attending
39 and adjourning, as if he had but one execution, \$28.00.

40 Drawing and making a deed to a purchaser of real property,
41 \$75.00.

42 Drawing and making a bill of sale to the purchaser of personal
43 property when such bill of sale is required or demanded, \$20.00.

44 When more than one execution shall be issued out of the Superior
45 Court upon any judgment, each sheriff to whom such execution shall
46 be directed and delivered shall be entitled to collect and receive from
47 the defendant named in such execution the fees allowed by law for
48 making a levy and return and statement thereon, or for such other
49 services as may be actually performed by him, and the sheriff who

1 shall collect the amount named in said execution or any part thereof,
2 shall be entitled to the legal percentage upon whatever amount may be
3 so collected by him, but in case any such judgment shall be settled
4 between the parties and the amount due thereon shall not be collected
5 by either sheriff, then the percentage on the amount collected which
6 would be due the sheriff thereon in case only one execution had been
7 issued shall be equally divided among the several sheriffs in whose
8 hands an execution in the same cause may have been placed.

9 The sheriff shall file his taxed bill of costs with the clerk of the
10 court out of which execution issued, within such time as the court shall
11 direct by general rule or special order, or, in default thereof, he shall
12 not be entitled to any costs. If any sheriff shall charge in such bill of
13 costs for services not done, or allowed by law, or shall take any greater
14 fee or reward for any services by him done than is or shall be allowed
15 by law, he shall be liable for the damages sustained by the party
16 aggrieved including a penalty of \$30.00, to be recovered in a summary
17 manner, in the action or proceeding wherein the execution was issued
18 or otherwise.

19 (cf: P.L.2001, c.370, s.5)
20

21 3. (New section) a. In situations in which a creditor has
22 instituted a foreclosure proceeding pursuant to the "Fair Foreclosure
23 Act," P.L.1995, c.244 (C.2A:50-53 et seq.) and a creditor employs an
24 agent to be responsible for the care, maintenance, security, and upkeep
25 of the property if it becomes vacant and abandoned, the creditor and
26 agent who peacefully enters the property and exercises reasonable care
27 in doing so, shall be immune from liability, before and after the bid,
28 for any damage to the property or any person entering the property.

29 b. Persons bidding on the property shall not enter the property
30 prior to the time of sale of the property to the successful bidder.
31

32 4. This act shall take effect immediately.