

**INSTRUCTIONS FOR FILLING OUT
EMERGENT APPLICATION FOR STAY OF SHERIFF'S SALE**

Attached is a form that can be used by a litigant to apply for a stay of a Sheriff's Sale of foreclosed property. If you wish to have the Judge consider your request to stay an impending Sheriff's Sale, you should fill out this form in its entirety. Upon doing so, you will be allowed to speak to the Judge's law clerk, who will do a further work-up of the issue for the Judge's consideration.

Filling out this form does not mean you have a right to have the sale stayed, nor does it automatically stay the Sheriff's Sale. It does mean that your request will be considered by a Judge. If you do not have all the requested information, your petition may still be considered, however providing as much information as you can may eliminate delays.

Before you begin, collecting some source information may be helpful. This may include but is not limited to:

- 1) The foreclosure complaint;
- 2) any answer you filed;
- 3) the judgment of foreclosure;
- 4) the notice of Sheriff's sale;
- 5) previous request to adjourn or stay the sale;
- 6) proof of payments to your mortgage made since the filing of the complaint, or any other proof that some or all of the judgment amount has been satisfied;
- 7) copies of mortgage commitments, refinancing applications, or copies of any Contract of Sale, concerning the property being foreclosed;
- 8) copies of other material you believe are relevant to the current issue you are placing before the court.

If possible, bring the source material you use to fill out the petition to court when you come to present the petition and make your application.

To fill out this form, please do the following:

1. **Enter your name, address, and phone number(s) in the spaces provided.** Please make sure the phone number(s) is a good one where you can be reached on short notice. The word "Pro Se" under the heading "Phone Number" means you are representing yourself and you are not represented by an attorney. If you are represented by an attorney, this form must be prepared and filed by the attorney.
2. **Enter the information in the space provided regarding the county, the plaintiff's name, the defendant's name, and the foreclosure docket number.** This information can be found in the Complaint that was served on you. Usually, it is the bank or the mortgage holder who is the plaintiff.
3. **In the first line of the body of the petition, state your full name.** Note that, when you fill out this form, you are certifying that the statements made on the form are true. If you make any willfully false statements, you may be subject to punishment.
4. **At Point I, enter the address of the property being foreclosed.**
5. **At Point II, state whether you have previously requested the sale be adjourned.** By law, with proper notice, the Sheriff may grant the judgment debtor up to two (2) adjournments, each not to exceed fourteen (14) days. *The contact number at the Middlesex Sheriff's department is 732-745-3646.*
6. **At Point III, state the reasons why you are requesting a stay of the sale.** Please state your reasons as clearly and specifically as possible.

7. **At Point IV, describe your efforts to refinance and clearly state whether or not you have a mortgage commitment.** If possible, state the amount of the mortgage commitment you have and attach proof of the same to your application.
8. **State whether you are trying to sell the property and whether you have a Contract of Sale.** If there is a signed Contract of Sale, please attach a copy of it to the application. Please make sure that the signed Contract of Sale states the amount for which the property is to be purchased and other relevant terms, such as a proposed closing date and, if possible, whether the buyer has sufficient assets or secured financing to close.
9. **State the number of days you wish the Court to stay the sale.**
10. **Sign and date the form**

Remember: a stay of a sale only delays the sale. It does not of itself invalidate the judgment on which the sale is based or the judgment amount. Once the stay has expired, the sale will proceed and you may be removed from the premises.

If you are in need of legal assistance you should contact an attorney. For your convenience we have attached source information regarding legal referral.

Our law library is open from 8:30 am to 4:30. There is legal resource information available there. In addition to the New Jersey Statutes Annotated and New Jersey case law, two commonly used resource books are “Mortgage Foreclosures: A Step-By--Step Guide, 2005 Seminar Material”, and “New Jersey Mortgage Foreclosures Practice: The Fair Foreclosure Act”, both published by the New Jersey Institute for Continuing Legal Education (ICLE).

Lawyer Referral Services

Following is a listing of county bar associations that offer lawyer referral services. Locate your county of residence and contact the appropriate service. Do not contact referral services that are outside of your local county.

Middlesex County Bar Association

87 Bayard St., New Brunswick 08901
(732) 828-0053
Exec. Dir.: Jonathan P. Cowles
E-mail: admin@mcbalaw.com
Internet: www.mcbalaw.com

Central Jersey Legal Services

317 George Street, Suite 201, New Brunswick 08901
Phone : (732) 249-7600 / (732) 324-1613

Atlantic County Bar Association

Atlantic County Court House
1201 Bacharach Blvd, Atlantic City 08401
(609) 345-3444; Fax: (609) 345-6279
E-Mail: atcobara@aol.com
Exec. Dir.: Mary Williams Berard

Bergen County Bar Association

15 Bergen Street, Hackensack 07601
(201) 488-0044
Administrator: Lucy Vargues
Internet: www.bergenbar.org

Burlington County Bar Association

45 Grant Street, Mount Holly 08060
(609) 261-4862; Fax: (609) 261-5423
Internet: www.burlocobar.org
Director: Joan C. Hagy

Camden County Bar Association

1040 N. Kings Highway, Suite 201, Cherry Hill 08034
(856) 482-0620; Fax: (856) 482-0637
Lawyer Referral Service: (856) 482-0618
Internet: www.camdencountybar.org
Exec. Dir.: Laurence B. Pelletier

Cape May County Bar Association

Rt. 9, Main St., P.O. Box 425, Cape May Court House 08210
(609) 961-0172; Fax: (609) 778-1193
E-Mail: cmcba@comcast.net
Director: Susan Fuller

Cumberland County Bar Association

P.O. Box 731, Millville 08332
(856) 825-2001; Fax: 856-825-2002
Internet: www.cumbnjbarassoc.org
E-Mail: rpagliughi@cumbnjbarassoc.org
Executive Director: Renee E. Pagliughi, Esq.

Essex County Bar Association

354 Eisenhower Parkway, Plaza 2, Livingston 07039
(973) 533-6775; Fax: (973) 533-6720
Email (LRS only): imendez@essexbar.com
Internet: www.essexbar.com

Gloucester County Bar Association

Justice Complex, P.O. Box 338, Woodbury, NJ 08096
(856) 848-4589
Executive Director: Karen Murray (856) 848-4071
Email: baroffice@gcbanj.org
Internet: www.gcbanj.org

Hudson County Bar Association

583 Newark Ave., Jersey City 07306
(201) 798-2727; Fax: (201) 798-1740
Director: Lisa Burke
Internet: www.hcba.law@verizon.net

Hunterdon County Bar Association

P.O. Box 573, Annandale 08801
(908) 236-6109; Fax: (908) 735-0305
Director: Jeannine Gorman
E-mail: hcba@patmedia.net

Mercer County Bar Association

1245 Whitehorse Mercerville Rd, Suite 420, Hamilton 08619
(609) 585-6200; Fax: (609) 585-5537
E-mail: info@mercer.com
Internet: www.mercerbar.com
Director: Francine Kowalczyk

Monmouth Bar Association

Court House, Freehold 07728
(732) 431-5544; Fax: (732) 431-2843
Executive Director: Tracey A. Maciewicz

Morris County Bar Association

Sussex County Bar Association
28 Schuyler Place, Morristown 07960
(973) 267-5882; Fax: (973) 605-8325
Internet: www.morriscountybar.com
Coordinator: Lucy Luttenberger

Ocean County Bar Association

Courthouse, P.O. Box 381, Toms River 08753
(732) 240-3666; Fax: (732) 240-4907
Internet: www.oceancountybar.org
Coordinator: Karin Poola

Passaic County Bar Association

Courthouse 77, Hamilton St., Paterson 07505
(973) 278-9223
Secretary: Diane Grosso
Internet: www.passaicbar.org

Salem County Bar Association

(856) 935-5629
Internet: www.salemcountybar.org

Somerset County Bar Association

Courthouse, 10 N. Bridge St., P.O. Box 1095, Somerville 08876
(908) 685-2323; Fax: (908) 685-9839
Administrator: Carol Ann Winder
Internet: www.somersetbar.com

Union County Bar Association

Courthouse, 1st Floor, Elizabeth 07207
(908) 353-4715; Fax: (908) 354-8222
Exec. Dir.: Jeffrey M. Clar
Administrator: Tracy Foster
Internet: www.uclaw.com
Monday-Thursday, 10 A.M.-1 P.M.

Warren County Bar Association

413 Second St.,
Belvidere, NJ 07823
(908) 387-1835
Executive Director, Maura Pocquat

Your Name: _____
Address: _____
Phone #: _____
Pro Se

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION

_____ COUNTY

GENERAL EQUITY

DOCKET NO. F- _____

PLAINTIFF,

v.

DEFENDANT.

CIVIL ACTION
**EMERGENT APPLICATION FOR STAY
OF SHERIFF'S SALE**

_____, of full age, hereby states:

1. I am the mortgagor of foreclosed property located at _____

2. I have:

- Exercised my two (2) statutory rights to adjourn the sale of the foreclosed property through the county sheriff and need to further adjourn the sale.
- The sheriff has refused to adjourn the sale as permitted by statute.
- Other _____

3. The reason I am requesting that the Court stay the sale of the property is:

4. If you are attempting to refinance the mortgage, do you have a mortgage commitment?

5. If you are trying to sell the property, do you have a signed contract of sale?

6. I am requesting that the Court stay the Sheriff's Sale for days.

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

Applicant's Signature

Date: