

Requesting a Sheriff's Sale to Preserve Surplus Equity

If you are a homeowner who is behind on property taxes, you can potentially save the home from foreclosure or at least recover some of the home value that exceeds the tax debt IF the court has not entered a final judgment of foreclosure.

Requesting a sheriff's sale before final judgment enters should ensure that your property goes to an auction to preserve at least some surplus equity. **You should file the sale demand for surplus equity if you believe the property is worth more than the tax lien debt or if you are unsure—otherwise, you may lose your right to the surplus amount.** While the sale demand should preserve some surplus equity, it may not guarantee your ability to recover the full home value.

To file the demand using the NJ Court electronic online filing system, follow the steps listed below.

Step 1: Download the correct template, based on your relationship to the property:

[N.J.S.A. 54:5-87b – Defendant Demand for Sheriff's Sale \(owner\)](#)

[N.J.S.A. 54:5-87b – Defendant Demand for Sheriff's Sale \(heir\)](#)

[N.J.S.A. 54:5-87b – Defendant Demand for Sheriff's Sale \(estate administrator\)](#)

Speak with an attorney if you are unclear about your legal interest in the property or which template is the correct one to use.

Step 2: Fill in your information in the template. You will need to use the case docket number listed on the foreclosure papers that you received.

Step 3: Create an account with the NJ Courts Judiciary Electronic Document Submission (JEDS) system. More information on JEDS is available on the [NJ Courts Website](#).

Step 4: Once a JEDS account is created, file your sheriff's sale demand. If you have questions about how to file using JEDS, contact the NJ Courts Help Desk.

After you file the sheriff's sale demand, you should have at least a few more months to figure out a plan to repay the tax arrears, either with financing through a lender or a reverse mortgage, or some other method.

Read [Property Tax Foreclosure – The Legal Process and Your Rights](#) for more information about Property Tax Foreclosures or contact the LSNJLAWSM Hotline online at www.lsnjlawhotline.org or by calling 1-888-LSNJ-LAW (1-888-576-5529).

N.J.S.A. 54:5-87b – Defendant Demand for Sheriff’s Sale (heir)

Name: _____

Date: _____

Docket Number: _____

I am a party in this case and owner of the subject property. Under N.J.S.A. 54:5-87b, I demand a foreclosure sheriff’s sale of the property through the county sheriff in order to preserve equity.

N.J.S.A. 54:5-87b authorizes me to demand a sheriff’s sale up until the entry of final judgment, which would require the lienholder of the tax sale certificate to foreclose its right of redemption in the same manner as a mortgage through a judicial sale through the county sheriff.

My demand for a sheriff’s sale is timely as final judgment has not entered.

I certify that I am the person who submits this demand. My demand complies with the requirements of N.J.S.A. 54:5-87b.

Respectfully,

_____, Defendant
(Print Name)

Signature: _____