

Table of Contents

PART I. TENANT REMEDIES

CHAPTER 1. TENANT REMEDIES IN GENERAL

- § 1:1 Nature of breach determines remedy
- § 1:2 Quiet enjoyment
- § 1:3 Nuisances
- § 1:4 Declaratory judgment; specific performance
- § 1:5 Retaliatory eviction
- § 1:6 Discrimination

CHAPTER 2. FAILURE TO REPAIR

- § 2:1 Landlord's obligation to repair—Statutory considerations
- § 2:2 —Implied warranty of suitability
- § 2:3 —Patent and latent defects at time of delivery of possession
- § 2:4 —Repair clauses in the lease
- § 2:5 —Notice of defect
- § 2:6 Tenant remedies
- § 2:7 —Repair and deduct
- § 2:8 —Suit for damages
- § 2:9 —Recoupment to rent action
- § 2:10 —Exculpatory clauses
- § 2:11 —Affirmative defense of constructive eviction

CHAPTER 3. SECURITY DEPOSITS

- § 3:1 Residential leases; escrow
- § 3:2 Non-residential leases
- § 3:3 Initial and final inspections
- § 3:4 Landlord's obligation to return security deposit—Residential leases
- § 3:5 —Non-residential leases
- § 3:6 Tenant remedies for failure to return security deposit—Residential leases

§ 3:7 —Non-residential leases

PART II. LANDLORD REMEDIES

CHAPTER 4. LANDLORD REMEDIES IN GENERAL

- § 4:1 Range of options for tenant's breach
- § 4:2 Bankruptcy of tenant
- § 4:3 Termination of lease by military personnel tenant

CHAPTER 5. DISPOSSESSORY PROCEEDINGS

- § 5:1 Statutory procedure; waiver; self-help prohibited
- § 5:2 Existence of landlord-tenant relationship
- § 5:3 Protecting Tenants at Foreclosure Act
- § 5:4 Grounds for dispossession
 - § 5:5 —Holding over
 - § 5:6 —Failure to pay rent when due
 - § 5:7 —Tenancy at will and tenancy at sufferance
- § 5:8 Demand for possession
- § 5:9 Commencement of the proceeding: landlord's affidavit
- § 5:10 Summons
- § 5:11 Service of affidavit and summons
- § 5:12 Time for answer; default
- § 5:13 Consequences of failure to answer
- § 5:14 Answer and counterclaim
- § 5:15 Removal to federal court
- § 5:16 Intervention
- § 5:17 Procedure prior to trial: payment of rent into court
- § 5:18 Offer of payment by the tenant
- § 5:19 Trial
- § 5:20 Injunctive relief
- § 5:21 Appeal and relief from judgment
- § 5:22 Judgment and eviction

CHAPTER 6. DISTRESS PROCEEDINGS (DISTRAINT)

- § 6:1 Definition; background; general considerations

TABLE OF CONTENTS

§ 6:2	Existence of landlord-tenant relationship
§ 6:3	Grounds
§ 6:4	Commencement of the proceeding: affidavit
§ 6:5	Summons
§ 6:6	Service of affidavit and summons
§ 6:7	Time for answer and opening default
§ 6:8	Consequences of failure to answer
§ 6:9	Answer and counterclaim
§ 6:10	Procedure prior to trial: payment of rent into court
§ 6:11	Bond
§ 6:12	Offer of payment by the tenant
§ 6:13	Trial
§ 6:14	Judgment
§ 6:15	Appeal and relief from judgment
§ 6:16	Execution and levy

CHAPTER 7. SUITS FOR RENT

§ 7:1	When suit for rent is advisable
§ 7:2	Parties
§ 7:3	Demand
§ 7:4	Damages—Rent
§ 7:5	—Liquidated damages, late charges
§ 7:6	—Acceleration of rent
§ 7:7	—Anticipatory breach
§ 7:8	—Surrender, acceptance, and re-entry
§ 7:9	—Mitigation
§ 7:10	—Interest
§ 7:11	—Attorney fees
§ 7:12	—Joinder
§ 7:13	Complaint
§ 7:14	Consequences of failure to answer
§ 7:15	Answer and counterclaim
§ 7:16	Pretrial procedure: discovery and motion practice
§ 7:17	Trial
§ 7:18	Appeal and relief from judgment

PART III. FORMS

CHAPTER 8. LANDLORD/TENANT ACTION FORMS

A. DISPOSSESSORY PROCEEDINGS

- § 8:1 Demand letter: Nonpayment of rent
- § 8:2 Termination letter; demand for possession
- § 8:3 Refusal of rent; demand for possession
- § 8:4 Landlord's affidavit
- § 8:5 Summons
- § 8:6 Return of service
- § 8:7 Application and order for a default writ of possession
- § 8:8 Application and order for a default writ of possession and monetary judgment
- § 8:9 Answer and counterclaim
- § 8:10 Motion to compel payment of rent into court
- § 8:11 Affidavit in support of motion to compel payment of rent into court
- § 8:12 Order compelling payment of rent into court
- § 8:13 Motion to draw down funds
- § 8:14 Order to draw down funds
- § 8:15 Trial order
- § 8:16 All purpose trial order
- § 8:17 Writ of possession
- § 8:18 Notice of impending eviction

B. DISTRESS PROCEEDINGS

- § 8:19 Landlord's affidavit
- § 8:20 Summons
- § 8:21 Default distress warrant
- § 8:22 Order allowing levied goods to remain on premises pending sale

C. SUITS FOR RENT

- § 8:23 Demand letter; reletting
- § 8:24 Complaint—Individual defendant
- § 8:25 —Corporate defendant
- § 8:26 —Individual guarantor of corporate lease

TABLE OF CONTENTS

§ 8:27	—Corporate tenant and individual guarantor sued jointly
§ 8:28	—Successor-in-interest plaintiff against individual defendant
§ 8:29	Request for admission of facts and genuineness of documents, to be served with complaint— Individual defendant
§ 8:30	—Corporate defendant
§ 8:31	—Individual guarantor defendant
§ 8:32	—Successor-in-interest plaintiff, individual defendant
§ 8:33	Answer and counterclaim
§ 8:34	Default judgment
§ 8:35	Consent judgment; monthly payments

APPENDIX

Appendix A. Statutes Related to Landlord and Tenant

Table of Laws and Rules

Table of Cases

Index