Appendix C

Asset Seizure Notices

Please Note: The form and content of the notices which follow are subject to change as legal and program requirements change

THE STATE OF NEW YORK, COUNTY OF

Petitioner,

RESTRAINING NOTICE
Pursuant to NY CPLR §5222

against

Respondent (Judgment debtor/obligor)
Social Security Number

Our Account Number:
Our Worker Code:

ATTENTION:

FEIN:

WHEREAS, in an action in the Supreme or Family Court of the State of New York, County, between the above named parties, in favor of , petitioner (judgment creditor/obligee) and against respondent (judgment debtor/obligor), the following order(s) were entered:

ENTRY DATE	PAYMENT/FREQUENCY

ENTRY DATE	PAYMENT/FREQUENCY

As of ,the total arrears/past due support which is due and unpaid is .

RESTRAINING NOTICE

WHEREAS, it appears that you are in possession or in custody of property in which the judgment debtor/obligor has an interest or you owe a debt to the judgment debtor/obligor;

TAKE NOTICE that pursuant to New York Civil Practice Law and Rules (CPLR) section 5222(b), which is set forth in full herein, you are hereby forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such property or pay over or otherwise dispose of any such debt except as therein provided.

TAKE FURTHER NOTICE that this notice also covers all property in which the judgment debtor/obligor has an interest hereafter coming into your possession or custody, and all debts hereafter coming due from you to the judgment debtor/obligor.

CPLR SECTION 5222(b). "Effect of restraint; prohibition of transfer; duration. A judgment debtor or obligor served with a restraining notice is forbidden to make or suffer any sale, assignment, transfer or interference with any property in which he or she has an interest, except upon direction of the sheriff or pursuant to an order of the court, until the judgment or order is satisfied or vacated. A restraining notice served upon a person other than the judgment debtor or obligor is effective only if, at the time of service, he or she owes a debt to the judgment debtor or obligor or he or she is in the possession or custody of property in which he or she knows or has reason to believe the judgment debtor or obligor has an interest, or if the judgment creditor or support collection unit has stated in the notice that a specified debt is owed by the person served to the judgment debtor or obligor or that the judgment debtor or obligor has an interest in specified property in the possession or custody of the person served. All property in which the judgment debtor or obligor is known or believed to have an interest then in and thereafter coming into the possession or custody of such a person, including any specified in the notice, and all debts of such a person, including any specified in the notice, then due and thereafter coming due to the judgment debtor or obligor, shall be subject to the notice. Such a person is forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such property, or pay over or otherwise dispose of any such debt, to any person other than the sheriff or the support collection unit, except upon direction of the sheriff or pursuant to any order of the court, until the expiration of one year after the notice is served upon him or her, or until the judgment or order is satisfied or vacated, whichever event first occurs. A judgment creditor or support collection unit which has specified personal property or debt in a restraining notice shall be liable to the owner of the property or the person to whom the debt is owed, if other than the judgment debtor or obligor, for any damages sustained by reason of the restraint. If a garnishee served with a restraining notice withholds the payment of money belonging or owed to the judgment debtor or obligor in an amount equal to twice the amount due on the judgment or order, the restraining notice is not effective as to other property or money."

TAKE FURTHER NOTICE that disobedience of this Restraining Notice is punishable as a contempt of court.

SPECIAL INSTRUCTIONS: When Supplemental Security Income (SSI) is the sole basis for the property in your possession or custody, this notice shall not be effective. If that condition applies, please complete the applicable statement at the bottom of this page and return this notice to the Support Collection Unit at the address indicated at the top left-hand corner of the first page of this notice.

Issued by:
Dated: SCU Supervisor

County Support Collection Unit

Your Reply to the Special Instructions: (Check the appropriate box)

☐ The sole basis for the property in our possession is Supplemental Security Income (SSI) and, therefore, we have not restrained the property pursuant to your instructions.

☐ The account is closed and there are no other open and/or active accounts belonging to the judgment debtor/obligor in our possession or custody.

(signed)_____ Date:_____
Compliance Officer or Designee

THE STATE OF NEW YORK, COUNTY OF

Petitioner,

against

Respondent (Judgment debtor/obligor)
Social Security Number

RESTRAINING NOTICE WITH INFORMATION SUBPOENA
Pursuant to NY CPLR § 5222 and Rule 5224

Our Account Number:
Our Worker Code:

ATTENTION:

WHEREAS, in an action in the Supreme or Family Court of the State of New York, County, between the above named parties, in favor of , petitioner (judgment creditor/obligee) and against respondent (judgment debtor/obligor), the following order(s) were entered:

ENTRY DATE	PAYMENT/FREQUENCY

ENTRY DATE	PAYMENT/FREQUENCY

As of ,the total arrears/past due support which is due and unpaid is .

RESTRAINING NOTICE

WHEREAS, it appears that you are in possession or in custody of property in which the judgment debtor/obligor has an interest or you owe a debt to the judgment debtor/obligor;

TAKE NOTICE that pursuant to New York Civil Practice Law and Rules (CPLR) section 5222(b), which is set forth in full herein, you are hereby forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such property or pay over or otherwise dispose of any such debt except as therein provided.

TAKE FURTHER NOTICE that this notice also covers all property in which the judgment debtor/obligor has an interest hereafter coming into your possession or custody, and all debts hereafter coming due from you to the judgment debtor/obligor.

CPLR SECTION 5222(b). "Effect of restraint; prohibition of transfer; duration. A judgment debtor or obligor served with a restraining notice is forbidden to make or suffer any sale, assignment, transfer or interference with any property in which he or she has an interest, except upon direction of the sheriff or pursuant to an order of the court, until the judgment or order is satisfied or vacated. A restraining notice served upon a person other than the judgment debtor or obligor is effective only if, at the time of service, he or she owes a debt to the judgment debtor or obligor or he or she is in the possession or custody of property in which he or she knows or has reason to believe the judgment debtor or obligor has an interest, or if the judgment creditor or support collection unit has stated in the notice that a specified debt is owed by the person served to the judgment debtor or obligor or that the judgment debtor or obligor has an interest in specified property in the possession or custody of the person served. All property in which the judgment debtor or obligor is known or believed to have an interest then in and thereafter coming into the possession or custody of such a person, including any specified in the notice, and all debts of such a person, including any specified in the notice, then due and thereafter coming due to the judgment debtor or obligor, shall be subject to the notice. Such a person is forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such property, or pay over or otherwise dispose of any such debt, to any person other than the sheriff or the support collection unit, except upon direction of the sheriff or pursuant to any order of the court, until the expiration of one year after the notice is served upon him or her, or until the judgment or order is satisfied or vacated, whichever event first occurs. A judgment creditor or support collection unit which has specified personal property or debt in a restraining notice shall be liable to the owner of the property or the person to whom the debt is owed, if other than the judgment debtor or obligor, for any damages sustained by reason of the restraint. If a garnishee served with a restraining notice withholds the payment of money belonging or owed to the judgment debtor or obligor in an amount equal to twice the amount due on the judgment or order, the restraining notice is not effective as to other property or money."

TAKE FURTHER NOTICE that disobedience of this Restraining Notice is punishable as a contempt of court.

SPECIAL INSTRUCTIONS: When Supplemental Security Income (SSI) is the sole basis for the property in your possession or custody, this notice shall not be effective. If the property in your possession or custody consists of a demand deposit account, checking or negotiable withdrawal account, savings account, time deposit account, or money market mutual fund account, or similar account, **and such account(s) is closed**, this notice shall not be effective, **provided there are no other open and/or active accounts in your possession or custody.** If either condition indicated in these special instructions apply, please complete the applicable statement at the bottom of this page and return this notice to the Support Collection Unit at the address indicated at the top left-hand corner of the first page of this notice.

Issued by:
SCU Supervisor

Dated:

County Support Collection Unit

Your Reply to the Special Instructions: (Check the appropriate box)

? The sole basis for the property in our possession or property is Supplemental Security Income (SSI) and, therefore, we have not restrained the property pursuant to your instructions.

? The account is closed and there are no other open and/or active accounts belonging to the judgment debtor/obligor in our possession or custody.

NOTE: If you reply to the special instructions by checking either box above and sign below, the Information Subpoena does not apply to you. You need not respond to the Questions and Answers In Connection With Information Subpoena.

(signed)_____ Date:_____
Compliance Officer or Designee

INFORMATION SUBPOENA

WHEREAS, the Witness resides; is regularly employed; has an office for the regular transaction of business in person;
in county;

NOW, THEREFORE WE COMMAND YOU, that you answer in writing under oath, separately and fully, each question in the questionnaire accompanying this subpoena, each answer referring to the question to which it responds; and that you return the answers together with the original of the questions within 7 days after your receipt of the questions and this subpoena.

TAKE NOTICE that false swearing or failure to comply with this subpoena is punishable as a contempt of court.

COUNTY OF

petitioner

against

respondent

QUESTIONS AND ANSWERS
IN CONNECTION WITH
INFORMATION SUBPOENA

RE: respondent (Judgment Debtor/Obligor)

Respondent Social Security Number: Our Account Number

STATE OF NEW YORK, COUNTY OF

being duly sworn deposes and says: that deponent is the of recipient of an information subpoena herein and of the original and a copy of questions accompanying said subpoena. The answers set forth below are made from information obtained from the records of the recipient.

Question Number 1:
Do you have a record of any account in which the (judgment debtor/obligor) may have an interest, whether under the name of the debtor, under a trade or corporate name, or in association with others, as of the date of the subpoena or within 1 year prior thereto?
Answer Number 1:

Question Number 2:
As to each such account, what is the exact title of the account, the date opened, amounts presently on deposit; If closed, the amount on deposit when closed and the date closed?
Answer Number 2:

TITLE	DATE OPENED	AMOUNT ON DEPOSIT	DATE CLOSED

Question Number 3:
Do you have a record of any safe deposit box in which the (judgment debtor/obligor) may have an interest, whether under the name of the judgment debtor/obligor, under a trade or corporate name, or in association with others, as of the date of the subpoena or within 1 year prior thereto?
Answer Number 3:

Question Number 4:
As to each such box what is the exact designation of the lessees thereof, the date hired, the date discontinued, the names of those having access?
Answer Number 4:

LESSEES	DATE HIRED	DATE DISCONTINUED	THOSE HAVING ACCESS

Question Number 5:
Do you hold collateral in which the (judgment debtor/obligor) has an interest?
Answer Number 5:

Question Number 6:
What is the description and value of each item of collateral?
Answer Number 6:

DESCRIPTION	VALUE

Question Number 7:
What interest does the (judgment debtor/obligor) appear to have in each item of collateral?
Answer Number 7:

Question Number 8:
Is the (judgment debtor/obligor) indebted to you?
Answer Number 8:

Question Number 9:
As to each indebtedness, what is the amount of the original indebtedness, the date incurred, amount repaid and date of such repayment?
Answer Number 9:

AMOUNT	DATE INCURRED	AMOUNT REPAID	DATE REPAID

Question Number 10:
Do you hold any lien, mortgage or otherwise, against property of the (judgment debtor/obligor)?
Answer Number 10:

Question Number 11:
What is the nature of each such lien, the full description of the property affected by the lien, the location and identity of the office of the filing or recording and full indexing information?
Answer Number 11:

LIEN	PROPERTY	WHERE RECORDED OR FILED	BOOK AND PAGE NO.

Question Number 12:
Are any of the assets of the (judgment debtor/obligor) in your possession or care, subject to liens, attachments or other encumbrances?
Answer Number 12:

Question Number 13:
What are the full details of the same in regard to each asset?
Answer Number 13:

Question Number 14:
Do you have any other transaction with the (judgment debtor/obligor), directly or indirectly, as a result of which the (judgment debtor/obligor) may now have, or may in the future become entitled to, money or credit?
Answer Number 14:

Question Number 15:
Has the (judgment debtor/obligor) given you a statement of his financial condition?
Answer Number 15:

Question Number 16:
What assets are disclosed therein (or in the alternative supply a copy thereof)?
Answer Number 16:

Question Number 17:
What is the (judgment debtor/obligor's) social security number and last place of employment?
Answer Number 17:

_____

Signature – print or type name beneath

Sworn to before me this Day of 20_ _

Please return this form to:

Name of Financial Institution:

Federal Employer Identification Number:

THE STATE OF NEW YORK, COUNTY OF

Petitioner,

NOTICE TO JUDGMENT DEBTOR/OBLIGOR
OF RESTRAINING NOTICE
Pursuant to CPLR §5222 (d) and (e)

against

Respondent (Judgment Debtor/Obligor)
Social Security Number

ATTENTION:
Respondent (Judgment Debtor/Obligor)

Our Account Number:
Our Worker Code:

READ THIS CAREFULLY:
You are hereby notified that money or property belonging to you may have been taken or held ("restrained") in order to satisfy the arrears due and unpaid from the support order(s) entered against you and noted in the enclosed Restraining Notice. The money or property may be restrained legally due to your accumulation of arrears at least equal to the amount directed by your court order to be paid for two (2) months [See 18 NYCRR 346.11(b)(1)].

YOU MAY ASSERT A MISTAKE OF FACT IF YOU THINK YOU DO NOT OWE THE ARREARS OR YOU MAY CLAIM THAT YOUR MONEY OR PROPERTY SHOULD NOT BE USED TO SATISFY ANY ARREARS BECAUSE IT IS EXEMPT (see below for more information). AN EXECUTION WILL BE SERVED TO SEIZE YOUR MONEY OR PROPERTY UNLESS YOU ASSERT A MISTAKE OF FACT BY WRITING TO THE SUPPORT COLLECTION UNIT AT:

WITHIN FIFTEEN (15) DAYS FROM YOUR RECEIPT OF A COPY OF THIS NOTICE.

"MISTAKE OF FACT" MEANS THAT YOU THINK THAT WE HAVE MADE AN ERROR IN THE AMOUNT OF ARREARS OR PAST DUE SUPPORT WHICH IS OWED, OR IN THE IDENTITY OF THE DEBTOR, OR THAT THE ORDER OF SUPPORT DOES NOT EXIST OR HAS BEEN VACATED. YOU SHOULD ALSO SUBMIT ADDITIONAL INFORMATION AND EVIDENCE BY MAIL OR, IF PERMITTED BY THE SUPPORT COLLECTION UNIT, BY TELEPHONE TO SUPPORT YOUR ASSERTION OF A MISTAKE OF FACT WITHIN THE FIFTEEN (15) DAY PERIOD. THEREAFTER, THE SUPPORT COLLECTION UNIT WILL DETERMINE THE MERITS OF YOUR OBJECTION AND WILL NOTIFY YOU OF ITS DETERMINATION WITHIN FORTY-FIVE (45) DAYS FROM THE RECEIPT OF A COPY OF THIS NOTICE. IF THE OBJECTION IS DISALLOWED, YOU WILL BE NOTIFIED IN WRITING THAT THE EXECUTION WILL BE SERVED TO SEIZE THE PROPERTY.

YOU MAY BE ABLE TO GET YOUR MONEY BACK

State and Federal Laws prevent certain money or property from being taken to satisfy **most** judgments or orders. Such money or property is said to be "exempt". The following is a *partial* list of money that *may* be exempt:

1. Supplemental security income (SSI);
2. Social Security;
3. Public assistance (welfare);
4. Alimony or child support;
5. Unemployment benefits;
6. Disability benefits;
7. Workers' compensation benefits;
8. Public or private pensions; and
9. Veterans benefits.

IMPORTANT NOTE ABOUT CHILD SUPPORT JUDGMENTS OR ORDERS AND EXEMPT PROPERTY:

Please be advised that certain money or property that otherwise may be exempt from payment of a judgment or order may not be exempt from payment of a judgment or order for child support arrears. For your information, the following types of money or property are always exempt from the payment of a judgment or order for child support arrears:
1. Supplemental security income (SSI); 2. Public assistance (welfare); and 3. Alimony or child support.

If you think that any of your money that has been taken or held is exempt, you must act promptly because the money may have been applied to satisfy the judgment or child support order arrears. If you claim that any of your money that has been taken or held is exempt, you may contact the Support Collection Unit sending this notice.

Also, YOU MAY CONSULT AN ATTORNEY, INCLUDING LEGAL AID IF YOU QUALIFY. The Law (New York Civil Practice Law and Rules, Article 4 and Sections 5239 and 5240) provides a procedure for determination for a claim to an exemption.

Enclosed is a copy of the "Restraining Notice" issued for your account.

Dated: Supervisor

County Support Collection Unit

Enclosure

THE STATE OF NEW YORK, COUNTY OF

Petitioner,

EXECUTION AND NOTICE
CPLR 5230 AND 5232

against

Respondent (Judgment Debtor/Obligor)
Social Security Number

ATTENTION GARNISHEE:

Our Account Number:
Our Worker Code:

WHEREAS, in an action in the SUPREME or FAMILY COURT of the State of New York, County, between the above named parties, in favor of , petitioner (judgment creditor/obligee) and against respondent (judgment debtor/obligor), the following order(s) were entered:

ENTRY DATE	PAYMENT/FREQUENCY

ENTRY DATE	PAYMENT/FREQUENCY

As of , the total arrears/past due support which is due and unpaid is .

YOU ARE HEREBY DIRECTED to satisfy the said judgment or order out of the real and personal property in which the above named judgment debtor/obligor who is not deceased has an interest, or the debts owed to the named judgment debtor/obligor, and that only the property in which the judgment debtor/obligor, who is not deceased, has an interest, or the debts owed to such judgment debtor/obligor shall be levied upon or sold thereunder. You are directed further to return a copy of this execution with the transfer or payment. If the amount of the payment or transfer to be made to the Support Collection Unit is less than $25, please check the box at the end of this page and return this execution to the Support Collection Unit at the address indicated at the top left-hand corner of page 1 of this notice.

The last known address of the judgment debtor/obligor is:

A notice in the form required by CPLR section 5222(e) has been duly served upon the judgment debtor/obligor within the past year.

NOTICE TO GARNISHEE:
WHEREAS it appears that you are indebted to the judgment debtor/obligor and/or in possession or custody of specific property not capable of delivery in which the judgment debtor/obligor has an interest.

NOW, THEREFORE, YOU ARE REQUIRED by CPLR section 5232(a) to transfer forthwith to the Support Collection Unit all personal property not capable of delivery in which the judgment debtor/obligor is known or believed to have an interest now in or hereafter coming into your possession or custody, including any property specified in this notice; and to pay to the Support Collection Unit, upon maturity, all debts now due or hereafter coming due from you to the judgment debtor/obligor, including any debts specified in this notice; and to execute any documents necessary to effect such transfer or payment.

AND TAKE NOTICE that until such transfer or payment is made or until the expiration of 90 days after the service of this execution upon you or such further time as is provided by any order of the court served upon you, whichever event first occurs, you are forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such property, or to pay over or otherwise dispose of any such debt, to any person other than the Support Collection Unit, except upon direction of the Support Collection Unit or pursuant to an order of the court.

AND TAKE FURTHER NOTICE that at the expiration of 90 days after a levy has been made by service of this execution, or such further time as the court upon motion of this judgment creditor has provided, this levy shall be void except as to property or debts which have been transferred or paid to the Support Collection Unit or as to which a proceeding under CPLR sections 5225 or 5227 has been brought.

PRIORITY AMONG EXECUTION CREDITORS PURSUANT TO CLPR 5234(b). Where two or more executions or orders of attachment are issued against the same judgment debtor/obligor and delivered to the same enforcement officer or issued by the Support Collection Unit, they shall be satisfied out of the proceeds of personal property or debt levied upon by the officer or by the support collection unit in the order in which they were delivered. However, SUCH EXECUTIONS FOR CHILD SUPPORT SHALL HAVE PRIORITY OVER ANY OTHER ASSIGNMENT, LEVY OR PROCESS. Where two or more executions or orders of attachment are issued against the same judgment debtor/obligor and delivered to different enforcement officers, and personal property or debt is levied upon within the jurisdiction of all the officers, the proceeds shall be first applied in satisfaction of the execution or order of attachment delivered to the officer who levied, and thereafter shall be applied in satisfaction of the executions or orders of attachment delivered to those of the other officers who, before the proceeds are distributed, make a demand upon the officer who levied, in the order of such demands, EXCEPT THAT SUCH EXECUTIONS FOR CHILD SUPPORT SHALL HAVE PRIORITY OVER ANY OTHER ASSIGNMENT, LEVY OR PROCESS. WHERE THERE IS MORE THAN ONE PAST-DUE CHILD SUPPORT ORDER, THE PROCEEDS SHALL BE APPLIED TO THE ORDERS IN PROPORTION TO THE AMOUNT EACH ORDER'S CLAIM BEARS TO THE COMBINED TOTAL. Nothing herein shall be deemed to defeat or impair the rights of any secured party as such term is defined in Uniform Commercial Code section 9-105(1)(m). An execution or order of attachment returned by an officer before a levy or delivered to him after the proceeds of the levy have been distributed shall not be satisfied out of those proceeds.

Instructions for Use of Enclosed Coupons:

Please enclose one coupon for each payment for the specified judgment debtor/obligor ("Respondent") and mail it to the address indicated on the coupon. This document requires that you remit with each payment: the name and social security number of the respondent, the account number provided on this document, and the date and amount of each withholding of the respondent's real or personal property.

Issued by:
Dated: Supervisor

County Support Collection Unit

? The amount of the payment or transfer would be less than $25, therefore, no payment or transfer is being issued.

(signed)_____ Date_____
Compliance Officer or Designee

YOU MUST RETURN THIS COUPON WITH YOUR PAYMENT TO THE ADDRESS BELOW
(Do not fold or staple.)

For each payment sent, record the date withheld and the amount on this coupon.

TO:

DO NOT SEND CASH

Respondent Name **Respondent SSN** **Bank Name** **Support Account Number**	
DATE OF WITHHOLDING:	
AMOUNT ENCLOSED:	

YOU MUST RETURN THIS COUPON WITH YOUR PAYMENT TO THE ADDRESS BELOW
(Do not fold or staple.)

For each payment sent, record the date withheld and the amount on this coupon.

TO:

DO NOT SEND CASH

Respondent Name **Respondent SSN** **Bank Name** **Support Account Number**	
DATE OF WITHHOLDING:	
AMOUNT ENCLOSED:	

YOU MUST RETURN THIS COUPON WITH YOUR PAYMENT TO THE ADDRESS BELOW
(Do not fold or staple.)

For each payment sent, record the date withheld and the amount on this coupon.

TO:

DO NOT SEND CASH

Respondent Name **Respondent SSN** **Bank Name** **Support Account Number**	
DATE OF WITHHOLDING:	
AMOUNT ENCLOSED:	

THE STATE OF NEW YORK, COUNTY OF

Petitioner,

NOTICE TO VACATE RESTRAINING NOTICE OR EXECUTION

against

Respondent (Judgment Debtor/Obligor)
Social Security Number

Our Account Number:
Our Worker Code:

ATTENTION GARNISHEE:

On , the County Support Collection Unit served upon you a Restraining Notice or Execution, for the above-named Judgment Debtor/obligor.

Please be advised that the Support Collection Unit has determined that the Restraining Notice or Execution shall be vacated.

THEREFORE, YOU ARE HEREBY DIRECTED to IMMEDIATELY vacate any action which has been taken to restrain or pay to the Support Collection Unit any property of which you are in possession or custody and in which the judgment debtor/obligor has or is believed to have an interest.

Dated: SCU Supervisor

Support Collection Unit