

STATE OF NEW YORK
COUNTY OF _____ : _____ COURT

Plaintiff-Judgment-Creditor,
vs.

**EXECUTION
WITH NOTICE TO
GARNISHEE**
Original Index No.

Defendant-Judgment-Debtor.

RE: _____,
_____, NY _____

TO: **ENFORCEMENT OFFICER:**

WHEREAS, in an action in _____, Index No. _____, (Assigned Judge-Hon. _____), between the parties listed above, a Judgment was entered on _____, **20**__ in _____ Court, in favor of said Judgment-Creditor and against said Judgment Debtor(s), in the amount of \$_____, and the total principal Judgment balance due is \$_____, plus interest from _____, 20___. (A transcript of the Judgment was filed in the _____ County Clerk's Office on _____, 20___.)

NOW, THEREFORE, WE COMMAND YOU to satisfy the said judgment out of the real and tangible and intangible personal property of the above-named Defendant; including, but not limited to all equipment, inventory, vehicles, certificates, cash, cash register, accounts and accounts' receivables, and the following specified debt and property: **Any and all accounts of the Judgment Debtor**

and that only the property in which said judgment debtor, who is not deceased, has an interest or the debts owed to him shall be levied upon or sold hereunder; **AND TO RETURN** this execution to the Clerk of the above-captioned Court within sixty (60) days after issuance unless service of this execution is made within that time or within extensions of that time made in writing by the attorney(s) for the judgment creditor.

The notice pursuant to CPLR 5222 (d) and (e) has been duly served upon the judgment debtor within one year from the issuance of this execution.

NOTICE TO GARNISHEE

TO: _____ BANK

_____, NY

WHEREAS, it appears that you are indebted to the judgment debtor, above named, or in possession or custody of property not capable of delivery in which the judgment debtor has an interest,

YOU ARE HEREBY REQUIRED by section 5232 (a) of the New York Civil Practice Law and Rules (CPLR) forthwith to transfer to the sheriff all personal property not capable of delivery in which the judgment debtor 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 sheriff, upon maturity, all debts now due or hereafter coming due from you to the judgment debtor, 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 ninety 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 pay over or otherwise dispose of any such debt, to any person other than the sheriff, except upon direction of the sheriff or pursuant to an order of the court;

AND TAKE NOTICE THAT at the expiration of ninety days after a levy is made by service of this execution, or of such further time as the court upon motion of the judgment creditor has provided, this levy shall be void except as to property or debts which have been transferred or paid to the sheriff or as to which a proceeding under sections 5225 or 5227 of the Civil Practice Law and Rules has been brought.

Pursuant to CPLR 5205(I), \$2,750.00 of an account containing direct deposit or electronic payments reasonably identifiable as statutorily exempt payments, as defined in CPLR 5205(I)(2), is exempt from execution and that the garnishee cannot levy upon or restrain \$2,750.00 in such an account. Pursuant to CPLR 5222(i), an execution shall not apply to an amount equal to or less than 90% of the greater of two hundred forty times the federal minimum hourly wage prescribed in the Fair Labor Standards Act of 1938 or two hundred forty times the state minimum hourly wage prescribed in New York Labor Law §652 as in effect at the time the earnings are payable, except such part as a court determines to be unnecessary for the reasonable requirements of the judgment debtor and his or her dependents.

Dated: _____, 20__

_____, ESQ.

Attorney for Judgment-Creditor

_____, NY _____