

CHAUTAUQUA COUNTY SHERIFF'S DEPARTMENT
CIVIL DIVISION
PO BOX 128 MAYVILLE, NEW YORK 14757
(716) 753-4371

Fees listed are per person to be served.

Enclose necessary number of copies for service.

Include self addressed postage paid return envelope.

Attorney checks, money orders and certified funds acceptable.

Do NOT send cash.

Mileage not included in fees listed. See attached chart.

Mailing Cost - \$6.00 Certified, Return Receipt Requested;

Additional costs charged for larger or heavier mailings.

Please call for fees if in question.

WITHOUT EXCEPTION papers received without appropriate fees will be returned undocketed.

INCOME EXECUTIONS – CPLR 5231

This office will enforce both stages of ALL income executions

Both Stages – Original & 5 copies

\$15.00	8011(c) 1	Receive, Enter, Return
\$15.00	8011(c) 2	First Stage Service
\$15.00	8011(d) 1	Second Stage Service
\$15.00	8011(d) 2	Levy
<u>\$10.00</u>	8011(i) 2	Creditor's Copy of Execution

\$70.00 + Mileage to Debtor AND To Employer

(when debtor lives in Chautauqua County but works in another New York State county there is no mileage fee but include \$6.00 for certified mailing of the 2nd stage service)

INCOME EXECUTION – CPLR 5241- SUPPORT ENFORCEMENT

Service on Debtor

\$15.00	8011(c) 1	Receive, Enter
<u>\$15.00</u>	8011(c) 2	Service

\$30.00 + Mileage

Service on Employer

\$15.00	8011(c) 1	Receive, Enter
\$15.00	8011(d) 1	Service
<u>\$15.00</u>	8011(d) 2	Levy

\$45.00 + Mileage

PROPERTY EXECUTION

Original & 4 copies required.

Include detailed property description and proof of Ownership; certified copy of title, UCC filings, etc.

If CPLR 5232(c) not complied with, add \$15.00 for service of Notice to Judgment Debtor.

ADVANCE PAYMENT REQUIRED for towing, storage, moving, publication costs, labor, etc.

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Third Party - Levy by Service

Property not Capable of Delivery

\$15.00	8011(b) 1	Receive, Enter, Return
\$15.00	8011(b) 2	Levy
<u>\$10.00</u>	8011(i) 2	Creditor's Copy of Execution
\$40.00 + Mileage		

As a result of changes to CPLR 5222-c, there will be a new fee for 3rd Party Levy by Service of Property Executions. Effective 1/1/2009, the fee for a Property Execution against a debtor who is a natural person and, the targeted funds are in a direct-deposit account with exempt funds, and the garnishee is a financial institution will be \$85. The additional \$45 is for the required service of the Exemption Notice and 2 Exemption Claim Forms. As always, there will be the appropriate mileage fee to the financial institution in addition to the \$85.

The breakdown of the new fee is described below:

\$15.00	8011(b) 1	Receive, Enter, Return
\$15.00	8011(b) 2	Levy
\$10.00	8011(i) 3	Creditor's Copy of Execution
\$15.00	8011(h) 1	Exemption Notice
<u>\$30.00</u>	8011(h) 1	2 Exemption Claim Forms
\$85.00 + Mileage		

The Old fee of \$40 (plus mileage) will still apply to 3rd Party-Levy by Service Property Executions when the debtor is not a natural person or the debtor is a natural person and the garnishee is not a financial institution or the debtor is a natural person and the garnishee is a financial institution but the targeted funds are not in a direct-deposit account with exempt funds.

Property Capable of Delivery *

\$15.00	8011(b) 1	Receive, Enter, Return
\$15.00	8011(b) 2	Levy
\$15.00	8011(b) 3	Inventory
<u>\$10.00</u>	8011(i) 2	Creditor's Copy of Execution
\$55.00 + Mileage		

* Levy made by service on garnishee in possession of tangible property of the debtor. If garnishee refuses to turn property over to Sheriff, creditor can proceed pursuant to CPLR 5225 and /or 5227. Inventory made upon delivery or property to Sheriff.

Straight or Demand Execution

\$15.00	8011(b) 1	Receive, Enter, Return
\$45.00	8011(h) 2	Service Of Mandate*
\$15.00	8011(b) 2	Levy
\$15.00	8011(b) 3	Inventory
<u>\$10.00</u>	8011(i) 2	Creditor's Copy of Execution
\$100.00 + Mileage		

* Service of the execution and making demand on the debtor in addition to levy on property identified.

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Mandate, definition: 28-a General Construction Law.

Executions Directing the Sale of Real Property or Delivered to Share in the Proceeds of Execution Sales

\$15.00 8011(b) 1 Receive, Enter, Return
\$45.00 8011(h) 2 Execute Mandate
\$10.00 8011(i) 2 Creditor's Copy of Execution
\$70.00 + Mileage

Execution - Judgment or Order Awarding Possession of Real or Personal Property – CPLR 5102

Real Property *

\$15.00 8011(b) 1 Receive, Enter, Return
\$75.00 8011(f) 2 (iv) Execute
\$10.00 8011(i) 2 Creditor's Copy of Execution
\$100.00 + Mileage

Personal Property *

\$15.00 8011(b) 1 Receive, Enter, Return
\$45.00 8011(h) 2 Execute
\$15.00 8011(b) 3 Inventory
\$10.00 8011(i) 2 Creditor's Copy of Execution
\$85.00 + Mileage

* Add \$15.00 if levy is required.

SUMMONS, SUBPOENA, CIVIL PROCESS (NOT ISSUED BY COURT)

\$15.00 8011(h) 1 Per Defendant or Service

2 copies required for each defendant served
3 copies required if time stamp filing is requested

MANDATES, ORDERS, SURROGATE COURT CITATION, RESTRAINING NOTICE

\$45.00 8011(h) 2 Per Defendant Served

Include court index number
2 copies for each service
If sub-service is permissible, send additional copies
Indicate any special service instructions and/or time limitations

SUMMARY PROCEEDINGS

Notice of Petition and Petition - Real Property Actions

\$15.00 8011(f) 1 (i) Receive, Enter, Return
\$15.00 8011(f) 1 (ii) Service Notice of Petition
\$15.00 8011(h) 1 Serve Petition
\$15.00 8011(f) 1 (iv) Military Affidavit
\$60.00 + Mileage-Per Captioned Respondent

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Eviction, Order for a Writ of Assistance *

\$15.00 8011(f) 2 (i) Receive, Enter, Return
\$15.00 8011(f) 2 (ii) Serve Notice of Execution
\$75.00 8011(f) 2 (iv) Execute
\$105.00 + Mileage-Per Captioned Respondent
* Original & 4 copies required
Moving and storage costs required in advance

ORDER OF ATTACHMENT

Service on Garnishee

\$15.00 8011(a) 1 Receive, Enter, Return
\$40.00 8011(a) 2 Levy-Additional Levy 8011(a) 3
\$15.00 8011(a) 6 Description
\$70.00 + Mileage

Service on Defendant

\$15.00 8011(a) 1 Receive, Enter, Return
\$15.00 8011(a) 4 Service
\$15.00 8011(a) 5 Service of Summons
\$45.00 + Mileage

Include court index number, undertaking, underlying
Papers and detailed service requirements
3 Certified copies per service

ORDER OF SEIZURE (REPLEVIN)

\$15.00 8011(e) 1 Receive, Enter, Return
\$75.00 8011(e) 2 Execute
\$90.00 + Mileage

Additional Defendants

\$40.00 8011(e) 3 Execute
\$15.00 8011(e) 4 Service
\$55.00 + Mileage

\$15.00 Additional for service of Summons & Complaint

5 Certified copies for each service
Include index number, undertaking and affidavit
Advance payment required for towing, storage, moving

CIVIL ARREST

Arrest

\$45.00 8011(h) 2 Serve and Execute
\$10.00 8011(j) 2 Bring Prisoner to Court
\$55.00 + Mileage

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<u>Commitment</u>		
\$10.00	8011(j) 1	Commitment to Jail
\$10.00	8011(j) 1	Discharge from Jail
\$20.00		
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<u>SALES</u>		
\$15.00	8011(g) 1	Any posting of Notice of Sale
\$20.00	8011(g) 2	Execute Real Property Deed
\$15.00	8011(g) 3	Attend a Sale
\$15.00	8011(g) 4	Conduct a Sale
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<u>COPIES</u>		
\$10.00	8011(i) 2	For any paper served, Affidavit, Inventory or Description

Revised 1/16