



**OFFICE OF THE SHERIFF
MONROE COUNTY CIVIL BUREAU**

**130 South Plymouth Ave., Room 100
Rochester, New York 14614**

Voice: (585) 753-4320 Fax: (585) 753-4288

**Patrick M. O'Flynn
SHERIFF**

**Gary D. Caiola
UNDERSHERIFF**

Office Hours	Monday-Friday	9:00 a.m.	to	5:00 p.m.
Deputy Hours	Monday-Thursday	8:15 a.m.	to	7:00 p.m.
	Friday	8:15 a.m.	to	5:00 p.m.

Closed Saturday, Sunday, Holidays

2010 FEE SCHEDULE

Attempted service of process is based upon the information provided. Please include any information that you may have to assist us in expeditiously serving your process. Helpful information includes age, description, photograph, work hours, place of employment, vehicle description, etc. The more information you provide the grater the likelihood of successful service.

Total fees for service must be paid in advance and **are based on each person served. When multiple types of process are served simultaneously, the statutory fee for each type of process will be charged.** All fees for mileage are per round trip.

There may be additional costs such as fees required to levy, seize, inventory, transport, store, protect, preserve and dispose of property taken into custody pursuant to a mandate. If in doubt, contact the Civil Bureau for guidance or clarification.

- An original will be returned with the affidavit of service attached. If the process is unable to be served, only then will all copies be returned.
- All service shall be perfected pursuant to CPLR §308 unless "In-Hand" personal service only is requested in writing.
- Fees for service are for each person to be served.
- When multiple types of process are served simultaneously, charges will be based on the statutory fee for each type of process served.
- Please call for deposit fee rates for executions, seizures, and attachments. Additionally there may be fees to levy, seize, inventory, transport, store, protect, preserve and dispose of property taken into custody related to the aforementioned mandates.
- **The Sheriff's Office does not supply legal forms, nor can we complete them.** Some courts may supply forms while some do not. The Monroe County Clerk's Office supplies some forms in certain situations. There are several suppliers or publishers of legal forms normally listed in your local telephone directory Yellow Pages.
- **NOTE:** We cannot serve a Post Office Box.
- The Sheriff can only advise and inform parties as to those procedures and rules related to the Sheriff's duties, the Sheriff cannot act as an attorney. Litigants should seek professional legal counsel at all times.

Answer & Supporting Affidavit

Fee: \$30.00 plus mileage
Service: In Person, Sub-Serve, Nail & Mail
Time: At least 24 hrs prior to return date.
Requirements: 3 copies for each person to be served

Arrest Order or Warrant for Civil Arrest

Fee: \$66.50 plus mileage
\$15.00 if service of Summons & Complaint is required (**verified by attorney**)
Service: In Person only
Time: None, unless specified
Requirements: 3 attorney certified copies plus all supporting papers

Attachment Order

Fee: \$80.00 plus mileage
\$15.00 for service of the Summons & Complaint
\$10.00 certification fee
\$55.00 for each additional levy
\$85.00 for attaching real property
Service: In Person, Sub-Serve, Nail & Mail - unless instructed otherwise
Time: ASAP
Requirements: 4 certified copies, letter of instruction

- **Poundage is due and will be collected regardless of the outcome.**
- If for real property, attorney must accompany Deputy to Court Clerk to pay fee for securing the land.
- If out of Town attorney, send \$35.00 for this fee.

Citations (All Types)

Fee: \$45.00 plus mileage
Service: In Person only unless Court Order directs otherwise
Time: 10 days prior to court date, unless otherwise specified
Requirements: 2 copies if the defendant is considered to be competent.
5 copies if the defendant is incompetent and institutionalized.

Evictions (Warrant to Remove)

Fee: \$125.00 per person/defendant plus mileage (includes \$10.00 certification fee)

Service: In Person, Sub-Serve, Nail & Mail (after due diligence)

Time: ASAP

Requirements: The original warrant signed by the Judge and four (4) copies per person.

- Tenant has up to 72 hours to vacate after service unless it is a mobile home, then mobile home rules apply.
- Evictions are scheduled in advance for a specific date and time.

Refunds will not be given for the Sheriff cancelling an eviction (non perfection) based on any one or more of the following circumstances;

- Inadequate number of movers (minimum requirement is a crew of 5)
- Inadequate equipment (ie: inadequate truck size *or* open box truck *or* trailer, etc.)
- Late arrival or no show of movers or locksmith.
- Movers, Bank, or other person(s) enters dwelling prior to arrival by Sheriff's Deputy.
- Bank and/or Plaintiff are responsible to provide movers with minimum crew of 5 plus a large enclosed Box Truck adequate to expeditiously handle removal of contents.
- **Evictions requiring more than one day for removal/secure storage of defendant's contents will be billed for any partial or full additional day(s) at \$65.00 per hour per deputy assigned to properly handle the eviction plus mileage.**
- **Evictions requiring more than one on site deputy will be billed out at \$65.00 per hour per additional deputy.**
- Request for cancellation of a scheduled eviction requires 72 hours minimum advance notification in writing upon which a partial refund of \$75.00 will be disbursed during the next scheduled payment cycle.

Income Execution, 1st & 2nd Stage

Fee: \$50.00 1st stage Income Execution only.
\$50.00 2nd stage Income Execution only.
\$90.00 1st and 2nd stage Income Executions submitted together.

A \$2.00 check must be included and made out (payable) to the garnishee if they are a Government agency (municipality) or School District.

Service: **1st Stage Execution:**
One copy by Certified Mail and one copy by Regular Mail to respondent.

2nd Stage Execution:
One copy by Certified Mail to Employer.

Requirement:

Original & 3 copies per stage

or

Original & 5 copies if submitting both stages at the same time.

All executions (income or property) can **only** be issued (signed) by the clerk of the court of the home county, or an attorney licensed to practice within New York State.

Note to Judgment Creditors: The Sheriff does not perform searches or follow-ups with respect to the debtor's residence or place of employment.

Information Subpoena

Fee: \$15.00 plus mileage

Service: In Person, Sub-Serve, Nail & Mail

Time: At least 1 day prior to return

Requirement: 3 copies per person w/ questionnaire and a self addressed envelope.

Notice of Motion

Fee: \$45.00 plus mileage

Service: In Person, Sub-Serve, Nail & Mail

Time: 8 days prior to return, unless attorney served for Client, then 5 days prior

Requirement: 3 copies per person

Notice of Petition w/ Petitions & Affidavits

Fee: \$45.00 plus mileage
Service: In Person, Sub-Serve, Nail & Mail
Time: 8 days prior to return
Requirement: 3 copies per person

Notice of Petition & Petition to Recover Real Property

Fee: \$45.00 plus mileage, and a \$10.00 certified mail fee for one person, \$10.00 for each additional person.
Service: In Person, Sub-Serve, *Nail & Mail
If service is completed by Nail & Mail, two copies must also be sent to the respondent; one copy by Certified Mail, one copy by First Class Mail.
Time: Not more than 12 days or less than 5 days prior to return
Requirements: 4 copies per person

Notice of Appeal

Fee: \$45.00 plus mileage
Service: In Person, Sub-Serve, Nail & Mail
Time: 8 days prior to return
Requirements: 3 copies per person

Ordinary Notice

Fee: \$45.00 plus mileage
Service: In Person, Sub-Serve, Nail & Mail
Time: 5 days prior to return
Requirement: 3 copies per person

Order to Show Cause

Fee: \$45.00 plus mileage
Service: In Person **Only**
Time: 10 days prior to return (unless otherwise specified by the presiding Judge)
Requirements: 2 copies per person

Order of Protection

Fee: **Free**
Service: **In Person ONLY**
Time: ASAP. Must be at least 24 hrs prior to return date.
Requirements: 3 copies per person.

Order of Contempt & Final Order of Contempt

Fee: \$45.00 plus mileage
Service: **In Person ONLY**
Time: See instructions
Requirements: 2 copies per person

Order of Seizure (Replevin)

Fee: \$100.00 plus mileage (8011(e) 1)
\$80.00 for each additional defendant
\$50.00 for each additional person
\$15.00 if we additionally serve the Summons & Complaint
\$400.00 deposit for storage & towing
Service: In Person, Sub-Serve, Nail & Mail
Time: Based on letter of instructions from attorney
Requirements: 4 attorney certified copies, 4 copies of the affidavit and supporting papers

- The Judge must approve bonds.
- A special proceeding is brought to test the right to possession of personal property. There are several components of this order, the first being the order itself.

The order is signed by a judge and must be directed to the Sheriff and order the Sheriff to seize one or more items of personal property as specified in order and retain custody until the court decides which party should be awarded custody.

The second portion is the undertaking which must be for at least twice the value of the property to be seized, must comply with CPLR Art.25, and must be approved by the court.

The third portion is the “papers upon which the order was granted” and the final is the summons and complaint. If the summons has already been served, the plaintiff must provide the Sheriff proof of service including a signed affidavit articulating the method of service that was perfected.

The plaintiff must provide advances for moving, towing, storage or whatever may be necessary to comply with the order in a professional, safe and expedient manner.

The court index number must appear on the order of seizure and associated documents.

- The Sheriff is not responsible to arrange for towing or storage.
- **Advance fees will be required for storage, towing, or support of additional deputies and or hours. This depends on the particulars of the case, details must be provided. Refer to Page 8 - Advance Fees and Additional Support.**
- **NOTE:** If the order was granted ex-parte, particular attention must be paid to the “confirmation” procedure and the order of seizure must include specific directions relative to it; an order omitting this information is invalid and will not be accepted or executed by the Sheriff.

*** Property Executions**

General Demand (Primary Defendant Served)

Fee: \$40.00 plus mileage (8011(b)1,2 (i)3)
Service: In Person, Sub-Serve, Nail & Mail
Corporations (agent or officer may be served)
Time req.: None, unless specified
Requirements: Original and 3 copies

Third Party Demand (Service on Natural Person or Corporation)

Fee: \$40.00 plus mileage (8011(b))1,2
Service: In Person, Sub-Serve, Nail & Mail
Corporations (only Agent or Officer may be served)
Time req.: None, unless specified
Requirements: Original and 3 copies

Third Party Demand (Service on Banking Institution against Judgment Debtor)

Fee: \$100.00 plus mileage
Fee listed above is comprised of:
Receive, Enter, Return \$15.00
Levy \$15.00
Execution Notice \$15.00
Exemption Notice \$15.00
Exemption Claim Form \$30.00
Certification \$10.00

Service: On Banking Institution

Time required: None, unless specified

Copy Requirements:

- **Property Execution** Original + 3 Copies
- **Execution Notice** 3 Copies
- **Exemption Notice** 3 copies of 2 page set
- **Exemption Claim Form** 6 copies of 2 page set

** Additional fees may apply based on the amount of support required to safely handle the requirements outlined in the Property Execution. Refer to Page 8 - Advance Fees and Additional Support.*

Seizures (see Orders of Seizure)

Sheriff's Sale

Fee: \$105.00 plus mileage 8011(g) - *includes \$10.00 certification fee*

Service: In Person, Sub-Serve, Nail & Mail
If Corporation, Officer or Authorized Agent is served.

If action involves a large sale, such as contents of a business, shop, multiple items, etc. additional hours will be charged for deputy's overtime for conducting the sale as well as the inventory that must be completed.

If the sale is for a single item such as a motor vehicle, no overtime is required. If it is for the contents of a business or some other large sale, overtime will be charged.

Advance Fees and Additional Support Fees for Sheriff's Seizures and/or Sales

Advance fees must be provided to cover expenses requiring additional deputies for safe and proper support when an Eviction, Property Execution, Seizure, or Sale appears to be complicated or large. The rate is set at \$65.00 per hour per assigned deputy. The requesting attorney must provide information as to how involved the action may be and how many hours may be required to complete the action. **Attorneys must keep in mind estimates are for the purpose of collecting some of the monies due. Final charges are based on what actually takes place to properly handle and complete the action at hand. Deputies will be scheduled at the discretion of the Civil Bureau Chief. Any excess cost incurred that is not covered by pre-collected advance fees will be billed to the attorney. Any unused advances will be returned to the attorney after the completion of the action.**

Deputy support: \$65.00/hr (X) Number of Deputies required (determined per case)

Towing & Storage: \$400.00

- **Poundage is due even if settlement is reached – no exceptions.**
- When a third party execution is used for a natural person judgment debtor you must inform the Civil Bureau in writing whether or not the “notice to judgment debtor” provision of CPLR 5232(c) has been complied with, this concerns certain assets exempt from levy. If this form has not been sent to the judgment debtor within the previous year, the Sheriff must do this. The Sheriff must serve a copy of the execution and a notice for a total of \$75.00 per party plus mileage.
- For all tangible property, the creditor's attorney must provide documentation establishing the debtor's interest in the targeted property prior to any levy. If liens are involved, the name and address of the lienor must be provided to the Sheriff as well as the status or outstanding balance due on any lien. For example, if a motor vehicle or boat is targeted, the NYS Department of Motor Vehicles can provide the title and lien information when form number MV-15 is submitted. Advances for anticipated expenses will be required; for example, an uncomplicated motor vehicle levy with a standard tow might be \$500, where a boat with a trailer or a dump truck could be a \$1,000 or more. Advances will also be necessary for processing real property executions, usually \$500 per parcel.

Summons and/or Summons & Complaint

Fee:	\$15.00 plus mileage	
Service:	Divorce:	In Person Only
	Foreclosure:	In Person Only
	Support:	In Person Only unless otherwise instructed
	Paternity:	In Person Only unless otherwise instructed
	Child Support:	In Person Only unless otherwise instructed
	Child Protective:	Review the instructions
Time:	Divorce:	None unless instructed
	Foreclosure:	None unless instructed
	Support:	8 days prior to return
	Paternity:	8 days prior to return
	Guardianship:	20 days prior to return
	Adoption:	20 days prior to return
	Paternal:	20 days prior to return
Requirements:	3 copies per person, 2 copies for a corporation	

Subpoena

Fee:	\$15.00 plus mileage	
Service:	In Person, Sub-Serve, Nail & Mail	
Time:	At least one day prior to appearance	
Requirements:	3 copies per person	
	Justice Court	8 days prior
	Subpoena	Duces Tecum - 24 hours prior
	Judicial Subpoena	In Person, Sub-Serve, Nail and Mail, 24 hours Prior (<i>must include Judge's signature</i>) CPLR 2302 (b)

Writ of Habeas Corpus

Fee:	\$45.00 plus mileage
Service:	Custodial Person as well as Person directed.
Time:	ASAP
Requirement:	3 copies

- Original should be filed in Monroe County Family Court prior to action. Order must provide specific direction to the Sheriff, and read literally as to what action must be taken.