OFFICE OF THE SHERIFF
MONROE COUNTY CIVIL BUREAU

130 South Plymouth Ave
County Public Safety Building 5th Floor
Rochester, New York 14614

Phone (585) 753-4320 Fax (585) 753-4288

Patrick M. O'Flynn
SHERIFF

Andrew P. Forsythe
UNDERSHERIFF

Office Hours	**Monday-Friday**	**9:00 a.m.**	**-**	**5:00 p.m.**
	July & August	**8:00 a.m.**	**-**	**4:00 p.m.**
Deputy Hours	**Monday-Thursday**	**8:15 a.m.**	**-**	**7:00 p.m.**
	Friday	**8:15 a.m.**	**-**	**4:30 p.m.**

Closed Saturday, Sunday, Holidays

2016 Services, Fees & Mileage Rates

Thank you for your interest in having your service or enforcement work handled by the Monroe County Sheriff's Office. The Monroe County Sheriff's Civil Bureau is fully accredited by the New York State Sheriff's Association. Fees are in line with NYS CPLR statutory rates and will help you determine what cost, timeline and paperwork is required for proper service.

Service of process is based upon the information provided. When possible include defendant's age, description, photograph, work hours, place of employment, vehicle description, etc.

- All service shall comply with CPLR §308 unless otherwise directed in writing by judicial approval. A service fee is charged 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.
- Priority service for papers that expire on the same day of receipt by the Civil Bureau are subject to an additional fee of $20.
- **When an Income or Property Execution is vacated or set aside after levy, the Sheriff is entitled to poundage upon the value of the property levied upon (CPLR §8012 (b)4)**
- **Any modification or settlement against an Income Execution or Property Execution must be authorized by court order (CPLR 5231(i))**
- Please call for advance fee requirements for executions, seizures, and attachments. Additionally there may be fees to levy, seize, inventory, transport, store, protect, preserve or dispose of property taken into custody related to the aforementioned mandates *(refer to page 9)*
- The Sheriff's Office does not supply, prepare or complete legal forms.
- Service cannot be directed to a Post Office Box. If a bad service address is provided, subsequent attempts to serve will be subject to a mileage fee based on the zip code of the new location.
- The Sheriff cannot provide legal advice. Litigants should seek professional legal counsel at all times.

Citation

Fee:	$47.00 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 defendant is considered to be competent. 5 copies if defendant is incompetent and institutionalized.

Eviction - Warrant to Remove

Fee: $107.00 per person/defendant + Mileage (x) 2 (see below)

Mileage to serve the warrant and mileage to be on-site on eviction day

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

Time: ASAP in line with deputy availability.

Requirements: Original warrant signed by Judge and four (4) copies per person.

Tenant has a minimum of 72 hours to vacate after service excluding weekends and holidays.

- Evictions requiring more than one day to complete proper removal, secure storage, or safeguarding of defendant's personal property will be subject to overtime charges.
- Home rules apply if dwelling is a mobile home.
- Evictions are scheduled in advance for a specific date and time.

The following requirements must be met for the Sheriff to perform an eviction:

- Moving Van or Closed Box Truck only (**open box truck or trailer are NOT acceptable**).
- Moving Crew supported by a minimum of 5 individuals.
- Contents of dwelling must be moved to a secure storage facility within Monroe County that can be accessed by the individuals that have been evicted.

The Sheriff will not perfect an eviction if:

- Movers arrive late or do not show up at all.
- Bank employees, movers, or others have entered the premises prior to the arrival by Sheriff's Deputies.
- Plaintiff is unable to change the locks or secure the premises.

Request for cancellation of a scheduled eviction requires 48 hours minimum advance notification in writing to be eligible for a partial refund.

The Sheriff Reserves the right to postpone the eviction perfection if he sees fit!

Income Execution

Fees: $90.00 1st and 2nd stage combined (original + 5 copies)
NEW-**BOTH STAGES HANDELED FROM START TO FINISH**

2nd Stage Municipality Fee
If the 2nd stage execution is for service on a Municipality or School District, a check for $2.00 made payable to that entity must be included.

Service: **1st Stage Execution (FIRST SERVICE)**
Served on debtor by mail or Deputy.

NEW

2nd Stage Execution (SECOND SERVICE)
Service on ANY employer in New York State per CPLR 5231
By Certified Mail or Deputy (according to location)

All Income Executions must be issued and signed by the home county clerk of the court or an attorney licensed to practice within New York State. The original execution with original attorney signature must be included.

All Income executions must include a valid service address including the zip code for the judgment debtor and the employer.

NO P.O. BOXES

CPLR 8012 (b)2,4 - Sheriff's entitlement

When an Income or Property Execution is vacated or set aside, the Sheriff is entitled to poundage upon the value of the property levied upon.

CPLR 5231(i) - Income or Property Execution Settlements

At any time, the judgment creditor or the judgment debtor may move, upon such notice as the court may direct, for an order modifying an income or property execution.

The Sheriff will not honor side deals or payment plans reached between creditor's attorney and judgment debtor. A modified court order must be obtained following CPLR 5231(i) for any settlement or change to the original execution.

Collections

All payments must be directed to the Sheriff who will record and process accordingly. Any interference over the Sheriff's legal jurisdiction to directly take collections against the levy will be addressed accordingly.

Notice of Appeal

Fee: $47.00 plus mileage

Service: In Person, Sub-Serve, Nail & Mail
Time: 8 days prior to return
Requirements: 3 copies per person

Notice of Motion

Fee: $47.00 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 Ordinary

Fee: $47.00 plus mileage

Service: In Person, Sub-Serve, Nail & Mail
Time: 5 days prior to return
Requirement: 3 copies per person

Notice of Petition w/ Petitions & Affidavits

Fee: $47.00 plus mileage

Service: In Person, Sub-Serve, Nail & Mail
Time: 8 days prior to return
Requirement: 3 copies per person

Notice of Petition or Petition to recover Real Property

Fee: $62.00 plus mileage, plus $10.00 mailing fee per 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 then 5 days prior to return

Requirements: 4 copies per person

Order of Arrest

Fee: $57.00 plus mileage + * $200 Advanced Fee

Add $15.00 for Summons & Complaint service (verified by attorney)

Service: In Person only
Time: None, unless specified
Requirements: 3 attorney certified copies plus all supporting papers

*Civil Deputy Manpower/Time Commitment

Order of Attachment

Fee: $102.00 plus mileage

Service: In Person, Sub-Serve, Nail & Mail - unless instructed otherwise

Time: ASAP
Requirements: 4 certified copies, letter of instruction

- Poundage will be collected regardless of the outcome.
- Advance fees may be required for moving, storage, etc. of attached property.
- For real property, attorney must accompany Deputy to Court Clerk to pay the prevailing fee for securing the land. If you are an out of town attorney, send $35.00 for this fee.

Order of Contempt & Final Order of Contempt

Fee: $47.00 plus mileage

Service: In Person Only
Time: See instructions
Requirements: 2 copies per person

Order to Show Cause

Fee: $47.00 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: **Served without charge**

Service: In Person Only
Time: ASAP, must be at least 24 hrs prior to return date.
Requirements: 3 copies per person.

Service specifics:

The Civil Bureau only handles Orders of Protection submitted from out of County, out of State or submitted for service upon Jail inmates of MCJ or MCF.

Order of Seizure (Replevin)

Fee:	$137.00	plus mileage
	$80.00	for each additional defendant
	$500.00	advanced Fee

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 prior service including a signed affidavit articulating the method of service that was perfected.

  Plaintiff's attorney must provide advances for moving, storage, manpower 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.

Advance Fees and Additional Support - Refer to Page 9

- 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 Execution

General Demand – Service on Primary defendant

Fee: $102.00 plus mileage

Service: In Person, Sub-Serve, Nail & Mail
Corporation (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: $57.00 plus mileage

Service: In Person, Sub-Serve, Nail & Mail
Corporation (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: $102.00 plus mileage

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

Executions expire and are returned upon 60 days of issuance. The submitting attorney may opt to issue a 60 day extension request to the Sheriff which must be in writing and signed by the attorney. The extension request must be received by the Sheriff prior to the 60 day lapse of the current execution.

Property Execution resulting in Sheriff's sale - See Page 8

Property Execution resulting in Sheriff's sale

Fee: $115.00 plus mileage 8011(g)

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. Charges will apply for deputy overtime to inventory and conduct the sale.

Property Executions must be issued and signed by the home county clerk of the court or an attorney licensed to practice within New York State.

Additional fees may apply based on the amount of support required to safely handle requirements outlined in the Property Execution.

Storage fees will not apply for the same calendar day the vehicle has been seized. Thereafter the storage fee is $25.00 per day including Saturdays, Sundays and Holidays. Towing fees are paid by the Plaintiff to the company performing the towing service. Storage fees are paid out of advance monies. If advance money has been depleted, it is attorney responsibility to forward immediate payment in full to the Civil Bureau.

CPLR §8012 (b)4: When an Income or Property Execution is vacated or set aside after levy, the Sheriff is entitled to poundage upon the value of the property levied upon.

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 lien holder must be provided to the Sheriff as well as the status or outstanding balance due. 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 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 $1,000 per parcel.

For an explanation of Advance Fees and Additional Support Fees for Property Executions, Sheriff's Seizures, Sheriff's Sales, refer to page 9.

Property Execution - Advance and Overtime Fees to handle Sheriff's seizures and sales

Advance fees are required to cover expenses for storage fees, and additional support involving Deputies for safe and proper enforcement of an Eviction, Property Execution, Seizure, or Sale. In general additional fees apply to actions that are time consuming, complicated or large.

The fee for additional support is $65.00 per hour per assigned Deputy

Final charges are based on the actual amount of time and manpower required by the Sheriff's Office to properly handle and complete the action at hand.

Deputies will be scheduled at the discretion of the Civil Bureau Chief. Any additional support hours required above the pre-collected advance fees will be billed to the attorney. Any unused advance monies will be returned to the attorney after completion of the action.

Vehicle or Property Storage:	$500.00 in advance, excess returned to attorney
Postings, Mileage:	Taken out of advance money
Conduct/Support Sale:	Taken out of advance money
Deputy support:	$ 65.00 per hour (x) number of deputies required
Towing Fees:	Attorney responsible to pay towing company directly

Summons and/or Summons & Complaint

Fee:	$17.00 plus mileage	
Service:	Divorce:	In Person
	Foreclosure:	In Person
	Support:	In Person or Sub-Served unless instructed otherwise
	Paternity:	In Person unless instructed otherwise
	Child Support:	In Person unless instructed otherwise
	Child Protective:	Variable based on 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: Duces Tecum, Judicial, Justice Court

Fee:	$17.00 plus mileage	
Service:	In Person, Sub-Serve, Nail & Mail	
Time:	Information Subpoena	24 hours prior
	Justice Court Subpoena	8 days prior
	Duces Tecum Subpoena	24 hours prior
	Judicial Subpoena	24 hours prior *Must include Judge's signature* (CPLR 2302 (b))
Requirements:	3 copies per person being served.	

Writ of Habeas Corpus

Fee:	$47.00 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 enforcement instructions to the Sheriff, and provide exact detail as to what action must be taken.

Additional Services/Charges

- Copies are available at the rate of 50 Cents per page.
- Priority service that expires on the same day of receipt by the Civil Bureau is subject to an additional $20 fee.
- Any additional affidavits requested are subject to a fee of $2

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2016 Mileage Rates

ZIP	FEE	ZIP	FEE	ZIP	FEE
14420	$25.00	14546	$28.00	14614	$6.00
14428	$25.00	14559	$28.00	14615	$10.00
14430	$25.00	14580	$25.00	14616	$8.00
14445	$14.00	14586	$25.00	14617	$11.00
14450	$25.00	14603	$23.00	14618	$11.00
14464	$40.00	14604	$7.00	14619	$6.00
14467	$17.00	14605	$7.00	14620	$6.00
14468	$25.00	14606	$7.00	14621	$6.00
14472	$25.00	14607	$7.00	14622	$15.00
14506	$25.00	14608	$7.00	14623	$15.00
14511	$26.00	14609	$12.00	14624	$10.00
14514	$18.00	14610	$7.00	14625	$15.00
14526	$15.00	14611	$7.00	14626	$15.00
14534	$15.00	14612	$16.00	14642	$6.00
14543	$26.00	14613	$7.00	14650	$6.00

***DOUBLE MILEAGE FOR EVICTIONS (SERVICE & PERFECTION)**