



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

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

**Patrick M. O’Flynn  
SHERIFF**

**William E. Sanborn  
UNDERSHERIFF**

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

<b>Office Hours</b>	<b>Monday-Friday</b>	<b>9:00 a.m. - 5:00 p.m.</b>
	<b>July &amp; August</b>	<b>8:00 a.m. - 4:00 p.m.</b>

<b>Deputy Hours</b>	<b>Monday-Thursday</b>	<b>8:15 a.m. - 7:00 p.m.</b>
	<b>Friday</b>	<b>8:15 a.m. - 4:30 p.m.</b>

**Closed Saturday, Sunday, Holidays**

**2014 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 providing you with the best service possible. Our fee schedule is in line with NYS CPLR statutory rates and will help you determine what cost, timeline and paperwork is required for proper service. Please feel free to contact the Civil Bureau for any additional information or assistance needed.

When multiple types of process are served simultaneously, each type of process will be charged accordingly. Mileage rates are based on round trip as listed in this schedule.

Service of process is based upon the information provided. If possible include defendant’s age, description, photograph, work hours, place of employment, vehicle description, etc. The more information you provide the greater the likelihood of successful service.

There may be additional costs such as fees to levy, seize, inventory, transport, store, protect, preserve, or dispose of property taken into custody pursuant to a mandate (*refer to page 9 for details*).

- 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.
- **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.**
- **In accordance with CPLR 5231(i) any modification or settlement against an Income or Property Execution must be authorized by court order. Settlements not authorized in this manner will be considered invalid.**
- 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.
- The Sheriff’s Office does not supply, prepare or complete legal forms. The Monroe County Clerk’s Office supplies some forms. There are several suppliers or publishers of legal forms normally found on the Internet or listed in the Phone Directory Yellow Pages.
- 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 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.

## **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 72 hours to vacate after service excluding weekends and holidays.
- Home rules apply if dwelling is a mobile home.
- Evictions are scheduled in advance for a specific date and time.
- The following requirements listed below must be met for the Sheriff to perform an eviction
  - Moving Van only  
Open box truck, pick-up, *or* trailer will not be accepted.
  - Moving Crew supported by a minimum of 5 individuals (moving employees).
  - Late arrival or no show of movers or locksmith.
  - Movers, Bank, or other person(s) enter dwelling prior to arrival by Sheriff's Deputy.
- 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.
- Request for cancellation of a scheduled eviction requires 72 hours minimum advance notification in writing to be eligible for a partial refund.

## **Income Execution**

Fees: \$50.00 1<sup>st</sup> stage only  
\$50.00 2<sup>nd</sup> stage only  
\$90.00 1<sup>st</sup> and 2<sup>nd</sup> stages combined

### **2<sup>nd</sup> Stage Municipality Fee**

*If the 2<sup>nd</sup> stage execution is for service on a Municipality or School District, a \$2.00 check made payable to that entity must be included.*

Service: **1<sup>st</sup> Stage Execution**  
Served by Mail or Deputy on Debtor.  
**2<sup>nd</sup> Stage Execution**  
Served by Mail or Deputy on Employer.

Requirement:

1<sup>st</sup> stage only: Original + 3 copies (total 4)

2<sup>nd</sup> stage only: Original + 3 copies (total 4)

or

1<sup>st</sup> and 2<sup>nd</sup> stage combined Original + 5 copies (total 6)

if both stages are submitted at the same time.

*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.*

*Income executions must include a valid service address for the judgment debtor or the employer. If a bad address is provided, any subsequent attempts will be subject to mileage fee s based on the service address zip code payable in advance of the re-attempted service.*

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

**CPLR §8012 (b)4: 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**

**CPLR §5231(i); 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  
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

### **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.
- If for real property, attorney must accompany Deputy to Court Clerk to pay the prevailing fee for securing the land.
- If 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          deposit for storage & towing (only when required)

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, 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.

- Advance fees will be required for storage, towing, or support by additional deputies and or hours. This depends on the particulars of the case, details must be provided.

*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: \$42.00 plus mileage for property not capable of delivery  
\$57.00 plus mileage for property capable of delivery

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. additional hours will be charged for deputy's overtime to conduct the sale as well as the inventory that must be completed.

If the sale is for a single item such as a motor vehicle, overtime will not be charged. If it is for a large amount of inventory, business or other large sale, overtime will be charged.

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 \$20.00 per day including Saturdays, Sundays and Holidays. Towing fees are determined separately by 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 immediately forward 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 or 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.

*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**

The requesting attorney must provide information as to how many hours may be required to complete the action. Estimates are for planning purposes to advance some of the monies due. 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
		<i>Must include Judge's signature (CPLR 2302 (b))</i>
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**

Copies are available at the rate of 50 Cents per page.



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**2014 Mileage Fees**

Zip	Fee	Zip	Fee	Zip	Fee
14420	\$25.00	14546	\$26.00	14614	\$3.00
14428	\$24.00	14559	\$26.00	14615	\$10.00
14430	\$25.00	14580	\$22.00	14616	\$8.00
14445	\$12.00	14586	\$24.00	14617	\$10.00
14450	\$24.00	14603	\$20.00	14618	\$10.00
14464	\$37.00	14604	\$6.00	14619	\$6.00
14467	\$16.00	14605	\$6.00	14620	\$5.00
14468	\$22.00	14606	\$7.00	14621	\$6.00
14472	\$23.00	14607	\$6.00	14622	\$14.00
14506	\$25.00	14608	\$6.00	14623	\$14.00
14511	\$26.00	14609	\$12.00	14624	\$9.00
14514	\$18.00	14610	\$6.00	14625	\$15.00
14526	\$14.00	14611	\$6.00	14626	\$15.00
14534	\$14.00	14612	\$16.00	14642	\$5.00
14543	\$26.00	14613	\$6.00	14650	\$5.00