

CIVIL COURT OF THE CITY OF NEW YORK

CHIEF CLERK'S MEMORANDUM

Subject Filing of Assignments:
Small Claims

Class: CCM-127-A
Category: SC-20
Eff. Date: August 3, 2006

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BACKGROUND

On August 14, 1995, CCM-127 was issued. Several questions about its interpretation have been raised, and in order to clarify its application the following amendment is issued.

DIRECTIVE

Any person or corporation may file an assignment of judgment.

The Assignee is entitled to the use of the court's services for the purpose of collection, and may purchase information subpoenas, exemplifications, transcript of judgments etc.

Any order to show cause brought by a Judgment Debtor must be served on the Assignee rather than on the Judgment Creditor.

CLERK'S PROCEDURES

1. When an assignment is filed, court records (both the docket card and the electronic record) must be updated with the name and address of the Assignee, who becomes the Judgment Creditor from that point on. The clerk is to make the appropriate entries on the 'remarks' portion to the docket or the electronic record.

2. No new judgment or notice of judgment is to be issued, but on any subsequent papers issued by the court, the caption of the case is to be written as follows:

John Doe, Assignee of Judgment Creditor
v.
Judgment Debtor

3. If a transcript of judgment has been issued, the assignment is to be filed in the County Clerk's Office rather than in the Civil Court. The Assignee may then obtain a certificate of disposition from the County Clerk and file it in the Civil Court. Upon receiving a certificate of disposition from the County Clerk, the clerk shall enter the information on the docket and the electronic record as in 1. above.

4. Tri City Roofers Inc. v. Northeastern Industrial Park, 61 N.Y. 2d 22 779, and Prof. Siegel, writing in New York Practice, Section 423, address the issue of notice to the Judgment

Debtor. We will require that either the assignment contain a statement saying that the Judgment Debtor has been notified by the Assignor or a separate affidavit from the Assignee saying the s/he has notified the Judgment Debtor of the assignment. This will avoid a judgment debtor having an execution levied against him/her even though the money has been paid. A sample form, CIV-SC-15, containing the information that is required for a proper assignment may be used, but any format that contains the same information is acceptable.

5. A person or entity who seeks to review case files may have access to those files. Such access, however, may be limited to five (5) records at a time. Alternatively, a person or entity may have up to fifty (50) sequentially numbered files for review provided that s/he files with the clerk some proof of identity. A driver's license or employment picture ID will be acceptable. The person must show the original to the clerk and give him/her a copy. After the person is finished reviewing the files, s/he must go to the end of the line and await his/her turn again.

Date _____

Jack Baer