

CIVIL COURT OF THE CITY OF NEW YORK

Civil Court Directive

Subject: Ejectment Actions in Civil Court

Class: DRP-142

Category: GP-10/LT-10

Eff. Date: Oct. 2, 1996

=====

The Civil Court Act, § 203(j) allows jurisdiction over an action in ejectment where the assessed value of the property is \$25,000 or less. These actions have been very uncommon so far, however, in the last year we have had several such filings. Since there is no clear procedure outlined either in our act or in the RPAPL Article 6, we are setting forth the following rules.

1. The ejectment action is to be filed by service of a summons and complaint.
2. Normal civil practice rules apply to this action.
3. The judgment is to follow RPAPL § 653, and is to be provided to the clerk by the plaintiff for his/her attorney.
4. The order of ejectment will be issuable to the sheriff or to a City Marshal as the enforcers for Civil Court judgments, and shall be in the form of a warrant for ejectment.
5. The warrant for ejectment should recite that a judgment of ejectment was entered against the parties, the name(s) of the plaintiff(s) and defendant(s), describe the premises sought to be recovered, and direct the executing officer to remove the defendant(s) from the premises and put plaintiff(s) in full possession thereof.
6. The warrant for ejectment must be entered by the clerk.

Dated: October 2, 1996

Jacqueline W. Silbermann
Administrative Judge

CIVIL COURT OF THE CITY OF NEW YORK

Civil Court Directive

Subject: Ejectment Actions in Civil Court

Class: DRP-142

Category: GP-10/LT-10

Eff. Date: Oct. 2, 1996

=====

The Directive of the Administrative Judge is to be implemented as follows:

1. An action in ejectment must be filed in the General Clerks Office as a civil action, and may not be filed in the Landlord and Tenant Clerks Office. It must comply with the regular civil procedure pertaining to the service and filing of a summons and complaint, answer, pre-trial motions and calendaring.

2. Actions in ejectment are not subject to entry by the clerk under CPLR § 3215.

3. After a trial or inquest and the entry of an order, the judgment is to be submitted to the clerk by the plaintiff or his/her attorney for review and signature. The clerk is not charged with the duty to prepare this judgment.

4. After the judgment is entered, following the order of the Court, a sheriff or marshal may request that the clerk issue what we are calling a warrant for ejectment. This warrant for ejectment, also called an execution, see CPLR § 5102, is to be submitted to the clerk. It must contain the following information.

a. Recite that a judgment for ejectment was ordered by a judge against the parties.
b. Provide the names of the parties against whom this warrant may be executed.
c. Describe the premises with particularity. For example, give street address, apartment number, etc.

d. Provide the name of the executing officer and his/her address and telephone number.

e. Order the executing officer to remove the defendant(s) from the premises and to put plaintiff(s) in possession thereof.

f. The warrant for ejectment must be submitted in duplicate to the Court.

g. After the warrant for ejectment is signed, the clerk should enter it, that is, date it with today's date and sign it with the Chief Clerk stamp, make a notation on the judgment indicating that the warrant for ejectment was issued, the date of issuance, and the name of the executing officer. If any restrictions are put on the execution of the warrant for ejectment by the order, for example, "may not be executed unless notice is given to the defendant," such restriction should be noted on the judgment and on the warrant for ejectment. The original of the warrant for ejectment is to be delivered to the executing officer (mailed or picked up) and the copy is to be kept with the court file.

Dated: October 2, 1996

Jack Baer
Chief Clerk