

4088

2009-2010 Regular Sessions

I N S E N A T E

April 9, 2009

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to income and property executions

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph 4 of subdivision (b) of section 8012 of the civil
2 practice law and rules, as added by chapter 441 of the laws of 2008, is
3 amended to read as follows:
4 4. Where a settlement is made (I) after service of an income [or prop-
5 erty] execution upon the debtor pursuant to subdivision (d) of section
6 fifty-two hundred thirty-one of this chapter or upon the garnishee
7 pursuant to subdivision (e) of section fifty-two hundred thirty-one of
8 this chapter, OR (II) AFTER ISSUANCE OF A PROPERTY EXECUTION PURSUANT TO
9 SECTION FIFTY-TWO HUNDRED THIRTY OF THIS CHAPTER AND LEVY AGAINST
10 PERSONAL OR REAL PROPERTY PURSUANT TO SECTION FIFTY-TWO HUNDRED THIRTY-
11 TWO OR FIFTY-TWO HUNDRED THIRTY-FIVE OF THIS CHAPTER, the sheriff is
12 entitled to poundage upon the judgment amount or settlement amount,
13 whichever is less. Where an income or property execution is vacated or
14 set aside after levy, the sheriff is entitled to poundage upon the value
15 of the property levied upon, not exceeding the amount specified in the
16 execution, and the court may order the party liable therefor to pay the
17 same to the sheriff.
18 S 2. This act shall take effect immediately and shall be deemed to
19 have been in full force and effect on and after August 5, 2008.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD10600-01-9