

KATHLEEN C. HOCHUL, Erie County Clerk  
INFORMATION for the JUDGMENT CREDITOR

After being awarded a money judgment by a Justice, Village, or City Court, you should:

1. **Purchase a Transcript of Judgment** from the Court; and
2. **File the Confession of Judgment/Consent Judgment, Supreme Court Judgment, or court-prepared Transcript of Judgment** from lower court in the ERIE COUNTY CLERK'S OFFICE, 92 Franklin Street, Buffalo, New York 14202.

The cost of filing the Transcript is \$10. Checks should be made payable to: Erie County Clerk. There is no charge for filing a Confession of Judgment/Consent Judgment or Supreme Court Judgment. The filed Judgment is a LIEN against any/all real property owned by the DEBTOR and located in Erie County, for a period of 10 years from date of entry of judgment in the original court. (A lien against personal property is created by filing an execution with the Sheriff.)

If the DEBTOR fails to pay within 30 days of the date of judgment date (and files no appeal), the CREDITOR may request a SHERIFF'S **EXECUTION** from the COUNTY CLERK'S OFFICE giving the Sheriff's Department full authority to seize money or property as payment toward the Judgment.

3. **Obtain an EXECUTION** (1 original and 5 copies – electronic signature is deemed original signature) from the Clerk's Office and deliver to the Erie County Sheriff's Department, Civil Process Department, 134 West Eagle Street – 4<sup>th</sup> Floor, Buffalo, New York 14202. The **fee** to obtain an EXECUTION form from the Clerk's Office is \$10 (plus the cost of transcript, if any) and is added to the total amount to be garnished or seized by the Sheriff.
4. Additional forms may be required and you may obtain the forms from the Sheriff's Department or from a legal stationer.
5. Additional fees and mileage will be charged by the Sheriff to perform the execution. **Verify all fees with the Sheriff.** Fees paid to the Sheriff will be added onto the judgment/execution amount.

**TYPES OF EXECUTIONS PREPARED by the CLERK'S OFFICE:**

A. **EXECUTION against PERSONAL PROPERTY (CPLR §5230 and 5232(b)):** Permits the seizure and sale of property of the Judgment Debtor or debts owed to the Judgment Debtor. Certain property (such as an automobile) may be specified for seizure. NOTE: Vehicle executions require **Form MV-15** to be completed and sent to Albany. In return, you will receive **Form MV-904** (listing vehicle title, name of lien-holders, if any, and Vehicle Identification Number) which is required by the Sheriff, as well as **location of vehicle**. Form MV-15 may be obtained from the Auto Bureau or online at <http://www.nydmv.state.ny.us/forms.htm>.

B. **EXECUTION against INCOME (CPLR §5230, §5231):** Permits garnishment of up to 10% of the Judgment Debtor's earnings. **Name and address of employer is required.** NOTE: The following payments are exempt under State or Federal Law:

- |  |   |
|--|---|
| 1) Social security;  | 9) Disability benefits;   |
| 2) Social security disability (SSD);                       | 10) Income earned in the last 60 days (90% of which is exempt); |
| 3) Supplemental security income (SSI);                     | 11) Workers' compensation benefits;                             |
| 4) Public assistance (welfare);                            | 12) Child support;  |
| 5) Income earned while receiving SSI or public assistance; | 13) Spousal support or maintenance (alimony);                   |
| 6) Veterans benefits;                                      | 14) Railroad retirement;  |
| 7) Unemployment insurance;                                 | 15) Black lung benefits; and/or                                 |
| 8) Payments from pensions and retirement accounts;         | 16) 90% of wages earned in the last 90 days                     |

C. **EXECUTION against PROPERTY with NOTICE to GARNISHEE (CPLR §5230, §5232):** Permits the seizure or garnishment of money from a Judgment Debtor's bank account or the interception of Judgment Debtor Landlord rent. NOTE: **If garnishment from a bank account is intended, the name of the account, bank name, and account number, if available, is requested.** Either contact an attorney or court to obtain, or purchase from a legal stationer, an Information Subpoena. Upon service of the Subpoena, a bank will provide the account number and balance of the Judgment Debtor. NOTE: Certain payments/fund within a Judgment Debtor's account may be exempt under State or Federal law.

**Please contact the Sheriff's Department with any additional questions at 858-7606.**

**FILING A TRANSCRIPT OR PROCESSING AN EXECUTION DOES  
NOT GUARANTEE PAYMENT ON YOUR JUDGMENT.**