

**CIVIL COURT OF THE CITY OF NEW YORK**

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**Civil Court Directive**

Subject: Service on Secretary of State  
In Small Claims Actions

Class:           DRP-130  
Category:       SC-10  
Eff. Date:       Nov. 16, 1992

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In accordance with Business Corporation Law § 306, when both copies [Regular Mail and Certified Mail] of a Notice of Claim (Summons) which has been mailed to a corporation with offices in New York City are returned for any reason other than refusal to accept them, and personal service cannot otherwise be made upon the corporation, service upon the corporation is to be made by delivery to the Secretary of State in Albany.

The Chief Clerk shall take steps to assure that the Small Claims Clerk will advise the Claimant of the procedures.

This DRP supercedes and replaces former Directive #339, dated December 2, 1974.

Dated: November 12, 1992

Jacqueline W. Silbermann  
Administrative Judge

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In accordance with the directive of the Administrative Judge, when service upon a corporation which has offices in New York City must be made by delivery to the Secretary of State, the Small Claims Clerk should advise the Claimant of the procedures for such service.

The Small Claims Clerk should amend the date for the hearing so as to give the Claimant sufficient time for service. The Claimant should be provided with both copies of the Summons and with instructions for service on the Secretary of State.

The Claimant should be advised to obtain a Certified Check or Money Order in the amount of **\$11.00\*** payable to:

Sheriff, Albany County,

and another in the amount of **\$40.00\*\*** payable to:

Secretary of State

The original and the copy of the Summons are to be sent with the two checks or money orders to:

Sheriff, Albany County  
Albany, NY 12207

Service is complete when the fee is paid to the Secretary of State (Business Corporation Law § 306 (b)).

\* CPLR § 8011(h)

\*\* Executive Law § 96.10

Dated: November 13, 1992

Jack Baer  
Chief Clerk