

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

**DIRECTIVES & PROCEDURES**

Subject: Issuance of Executions in Small Claims

Class: DRP-147

Category: SC-10

Eff. Date: April 28, 1997

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**BACKGROUND:**

22 NYCRR 208.37 requires that a copy of a judgment be served upon the judgment debtor by certified mail when either an attorney has appeared or a party in person has defaulted.

In Small Claims we have been requiring service of a copy of the judgment on all Small Claims/Commercial Claims debtors. (See form CIV-SC-31 and its predecessor 43-2097.)

In accordance with a letter from Michael Colodner, Esq., Counsel, Office of Court Administration, dated January 29, 1997 (copy attached) "...it is not necessary to notify the judgment debtor in a small claims action in the New York City Civil Court twice prior to being able to issue an execution. The notice provided by Sections 1811 and 1897-A(b)\* of the act is sufficient."

**DIRECTIVE:**

The Chief Clerk is to provide updated procedures to assure compliance with the direction proposed by the Office of Court Administration.

\* (The reference in the letter to Section 1897-A(b) is a typographical error and should be 1807-A(b).

April 21, 1997  
Date

\_\_\_\_\_  
Hon. Fern Fisher-Brandveen  
Administrative Judge

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In accordance with the Policy of the Administrative Judge, the following procedures are to be implemented with regard to Executions in Small/Commercial Claims:

**PROCEDURES:**

Effective immediately, the following rules are to be implemented:

1. Form CIV-SC-31 is to be discontinued and all supplies are to be disposed of.
2. The Affidavit required in Civil Actions following 22 NYCRR 208.37 referring to a prior mailing of a judgment is not to be required in Small/Commercial Claims.
3. The Notification of Judgment form, CIV-SC-92, which is mailed by the Court to both parties, will suffice as notice to the debtor prior to the issuance of an Execution.

\_\_\_\_\_  
Date

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Jack Baer  
Chief Clerk