

APPENDIX A
PETITION IN SPECIAL PROCEEDING PURSUANT TO
SECTION 9-518((d) OF THE UNIFORM COMMERCIAL CODE

SUPREME COURT OF THE STATE OF NEW YORK

County of _____

[*Caption Box*]

PETITION
Index No.
Judge Assigned

Petitioner [*name of Petitioner*], by his [*or her*] undersigned [*attorney or attorneys*]
alleges as follows:

NATURE OF THIS PROCEEDING

This is a Special Proceeding brought pursuant to section 9-518(d) of the Uniform
Commercial Code to [*redact or expunge, as applicable*] a falsely-filed [*or -amended*] financing
statement the contents of which are described in section 9-502 of the Uniform Commercial Code.

THE PARTIES

1. The Petitioner in this Special Proceeding, [*name of Petitioner*], is [*an employee of the
State of New York or an employee of a political subdivision of the State of New York or an
attorney who represents or has represented the Respondent herein in a criminal court*]. [*Add
one of the following sentences, as applicable*]:

(i) The Petitioner is employed by [*name the office of his or her New York State
employment or, if appropriate, of his or her employment by a named political subdivision
of the State*] as [*state the name/nature of this employment*]; or

(ii) The Petitioner was admitted to practice in [*state the year*] in the
_____ Judicial Department.]

2. The Petitioner is identified as a debtor in a financing statement filed by or on behalf of
the Respondent pursuant to Subpart one of Part five of Article nine of the Uniform Commercial
Code.

3. The Respondent in this Special Proceeding is [*name of Respondent*]. [*If the
Respondent is incarcerated, so state and identify the facility of incarceration*]

4. As authorized by section 9-518(d)(1) of the Uniform Commercial Code, the place of
trial for this Special Proceeding is _____ County. [*if not Albany County, add one of
the following sentences, as applicable*]:

- (i) The Petitioner resides at *[include Petitioner's address]* in such County; or
- (ii) The property of the Petitioner covered by the financing statement specified in paragraph two hereof is located in such County.]

FIRST CAUSE OF ACTION

5. Petitioner repeats and realleges each and every allegation contained in Paragraphs one through four above.

6. The Respondent in this Special Proceeding has filed *[or amended]* a financing statement under section 9-502 of the Uniform Commercial Code that identifies the Petitioner as a debtor and the collateral referred to in such financing statement is the property of the Petitioner.

7. The financing statement referred to in Paragraph six herein was falsely filed *[or falsely amended]* by or on behalf of the Respondent. On information and belief, this false filing *[or false amendment]* was to retaliate for the performance of the Petitioner's official duties in his *[or her]* capacity as a public employee as specified in Paragraph one herein *[or, if the Petitioner is an attorney who represents or has represented the Respondent herein in a criminal court, "this false filing statement [or amendment] was to retaliate for the performance of the Petitioner's duties in his [or her] capacity as an attorney for the Respondent in a [specify the case name and the name of the criminal court]].* *[add any essential facts forming the basis for information and belief]*

8. The financing statement referred to in Paragraph six herein and alleged to have been falsely filed or falsely amended does not relate to an interest in a consumer-goods transaction, a commercial transaction, or any other actual transaction between the Petitioner and the Respondent.

9. The collateral covered in the financing statement referred to in Paragraph six herein is the property of the Petitioner.

10. Prompt redaction or invalidation of the financing statement *[or amendment to a financing statement]* is necessary to avert or mitigate prejudice to the Petitioner.

SECOND CAUSE OF ACTION *[if applicable]*

11. Petitioner repeats and realleges each and every allegation contained in Paragraphs one through ten above.

12. On information and belief, the Respondent has engaged in a repeated pattern of falsely filing financing statements *[or amendments to financing statements]*. *[add any essential facts forming the basis for information and belief]*

There has been no previous application for the relief demanded in this proceeding in this or any other Court *[or, if there has been such an application, so state and specify new facts not previously shown, if any]*.

DEMAND FOR RELIEF

WHEREFORE, Petitioner demands judgment against the Respondent as follows:

- a. On the First Cause of Action, for expungement [*or redaction*] of the financing statement [*or the amendment of the financing statement*] in the [*state the office in which the financing statement is filed*] pursuant to section 9-518(d)(3) [*Where redaction of the financing statement or an amendment thereto is demanded, specify the specify redaction sought*] [*and, where further relief is sought under section 9-625 of the Uniform Commercial Code, state such further relief*].
- b. On the Second Cause of Action [*if applicable*], for an injunction barring the Respondent from filing or amending any further financing statements pursuant to article nine of the Uniform Commercial Code without leave of the Court.
- c. Awarding Petitioner costs and disbursements of this proceeding.
- d. Granting Petitioner such other and further relief as the Court deems just and proper.

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Attorney(s) for Petitioner

APPENDIX B

SUPREME COURT OF THE STATE OF NEW YORK

County of _____

[Caption Box]

JUDGMENT

Index No.

Judge Assigned

The above-entitled special proceeding brought pursuant to section 9-518 of the Uniform Commercial Code having come on to be heard before the Honorable Justice _____ at Part _____ of this Court, held at the Courthouse at [*include Courthouse address*], on [*include month, date and year*], and the Petitioner having appeared by his [*or her*] attorney and the Respondent having [*include, as applicable, "appeared by his [*or her*] attorney"/"failed to appear"*], and the Court having, after due deliberation, found that:

___ the following allegations, as set forth in the Petition, have been established:

___ the allegations, as set forth in the Petition, have not been established,

Now, it is hereby

ORDERED, ADJUDGED AND DECREED, that:

___ the Petitioner have judgment against the Respondent and that the _____
_____ [*name of the office in which the financing statement to be expunged or redacted is filed*] is directed to:

___ expunge from the public record _____

[*describe the financing statement to be expunged*]

___ redact on the public record _____

[*describe the financing statement to be redacted and the specific redaction being ordered*]

___ the Respondent have judgment against the Petitioner and that this Special Proceeding

be dismissed.

___ the Petitioner have the following relief as authorized by section 9-625 of the Uniform Commercial Code:

___ the Respondent be enjoined from filing or amending any further financing statement pursuant to Article 9 of the Uniform Commercial Code without leave of this Court.

___ [*describe such further relief as the Court is ordering*]

Dated: [*month, date, year*]

Enter

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Justice, Supreme Court, _____ County