

Port Auth. of N.Y. & N.J. v Aranda

2026 NY Slip Op 31664(U)

April 10, 2026

Supreme Court, New York County

Docket Number: Index No. 450449/2025

Judge: Ashlee Crawford

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. ASHLEE CRAWFORD PART 38
Justice
INDEX NO. 450449/2025
PORT AUTHORITY OF NEW YORK AND NEW JERSEY, MOTION DATE 01/14/2025
Petitioner, MOTION SEQ. NO. 001
- v -
CARLOS ARANDA, BANK OF AMERICA DECISION, ORDER +
Respondents. JUDGMENT ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17
were read on this motion to/for TURNOVER PROCEEDING

Upon the foregoing documents, it is

Petitioner Port Authority of New York & New Jersey moves by notice of petition pursuant to CPLR 5225, seeking an order directing respondent Bank of America ("BOA") to turn over funds held in the account of the respondent and judgment debtor, Carlos Aranda, to satisfy a judgment in the sum of \$11,779.03, which was entered in petitioner's favor and against Aranda in the Civil Court of the City of New York, New York County, on December 15, 2023 (Judgment [NYSCEF Doc. 4]). Respondents have not appeared or filed opposition to the petition.

On December 15, 2023, in a Civil Court action entitled Port Authority of New York and New Jersey v Carlos Aranda, the Port Authority secured a money judgment on default against James in the total sum of \$11,779.03, inclusive of costs, disbursements, and prejudgment contractual interest (see Port Auth. of N.Y. & N.J. v Aranda, Civ Ct, N.Y. County, Index No.

CV-009275-22/NY, Dec. 15, 2023). The Port Authority established that no portion of that judgment has been satisfied.

The Port Authority commenced this proceeding on January 14, 2025. On February 10, 2025, the Port Authority served the bank with the notice of petition and petition by personally serving its intake specialist, who verbally confirmed he was authorized to receive service on BOA's behalf, and filed proof of mailing (NYSCEF Docs. 12, 15). On February 11, 2025, it served those papers on a person of suitable age and discretion at Aranda's residence (NYSCEF Doc. 14).

"CPLR 5225 (b) provides for an expedited special proceeding by which a judgment creditor can recover 'money or other personal property' belonging to a judgment debtor 'against a person in possession or custody of money or other personal property in which the judgment debtor has an interest' in order to satisfy a judgment (Matter of New York Community Bank v Bank of Am., N.A., 169 AD3d 35, 37-38 [1st Dept 2019][citation omitted], lv denied 33 NY3d 908 [2019]). "[A] New York court with personal jurisdiction over a defendant may order him to turn over out-of-state property regardless of whether the defendant is a judgment debtor or a garnishee" (Koehler v Bank of Bermuda Ltd., 12 NY3d 533, 541 [2009]).

When two or more persons open a bank account, making a deposit of cash, securities, or other property, a presumption of joint tenancy with right of survivorship arises (Matter of New York Community Bank v Bank of Am., N.A., 169 AD3d at 38, citing Banking Law § 675 [b]; Matter of Friedman, 104 AD2d 366, 367 [1984], affd 64 NY2d 743 [1984]). Each named tenant "is possessed of the whole of the account so as to make the account vulnerable to the levy of a money judgment by the judgment creditor of one of the joint tenants" (id. at 38 [citations omitted]).

Here, petitioner has established that it is the creditor in the judgment entered against Aranda on December 15, 2023 in the New York City Civil Court, New York County; and that respondent BOA is in possession of funds in which the judgment debtor Aranda has an interest (Response to Information Subpoena and Restraining Notice [NYSCEF Doc. 6]). Even if the funds are deemed to be outside the state, given that the bank account was opened outside the state, the Court has jurisdiction over BOA as it transacts business in New York (see Koehler v Bank of Bermuda Ltd., 12 NY3d 533, 540 [2009]). Finally, the Court finds that BOA and Aranda were served with the petition and notice of petition (NYSCEF Docs. 12, 14-16).

Accordingly, it is hereby

ADJUDGED that the petition is GRANTED; and it is further

ORDERED and **ADJUDGED** that the respondent Bank of America is directed, upon receipt of a certified copy of this decision, order, and judgment, to turn over to petitioner, Port Authority of New York and New Jersey, all non-exempt funds from the joint account in the names of Stephanie Aranda and judgment debtor Carlos Aranda, with an account number ending in XXXXXXXXXXXX8470, and an individual account in the name of Carlos Aranda, with an account number ending in XXXXXXXXXXXX1590, held in said Bank, up to a maximum amount of \$11,779.03, plus interest at the statutory rate of 9% from December 15, 2023; and it is further

ADJUDGED that upon such turn-over of funds, the respondent Bank of America shall be discharged of all liability with respect to said funds to the extent of payment made as herein provided; and it is further

ORDERED that petitioner shall serve a copy of this decision, order, and judgment upon both respondents by first class mail and certified mail, return receipt requested, with notice of entry, within seven days of the date of this decision and order; and it is further

ORDERED that petitioner shall serve a copy of this order upon the Clerk of the General Clerk's Office with notice of entry within twenty days thereof and such service shall be made in accordance with the procedures set forth in the Protocol on Courthouse and county Clerk Procedures for Electronically Filed Cases (accessible at the "E-Filing" page on the court's website at the address www.nycourts.gov/supctmanh).

This constitutes the decision, order and judgment of the Court.

4/10/2026

DATE

ASHLEE CRAWFORD, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE