

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF [REDACTED]

[REDACTED]

Plaintiff-Judgment Creditor,

v.

[REDACTED]

Defendant-Judgment Debtor(s).

**INFORMATION SUBPOENA
AND
RESTRAINING NOTICE
TO JUDGMENT DEBTOR(S)**

Original Index No.: [REDACTED]

RE: [REDACTED] - JUDGMENT-DEBTOR
SSN (last 4 numbers): [REDACTED]

THE PEOPLE OF THE STATE OF NEW YORK

TO: JUDGMENT-DEBTOR - [REDACTED]

WHEREAS, in an action in the Supreme Court, [REDACTED] County, New York, Index No. [REDACTED] between the above-named Plaintiff and Defendant(s), who are all the parties named in said action, a Default Judgment dated [REDACTED] was entered on [REDACTED] in favor of the above named Plaintiff-Judgment Creditor, and against Defendant-Judgment Debtor, [REDACTED] [REDACTED] in the amount of \$ [REDACTED], of which \$ [REDACTED] remains due and unpaid, together with interest thereon from [REDACTED], the date of last payment received.

NOW, THEREFORE WE COMMAND YOU, that you answer in writing and under oath, separately and fully, each question in the questionnaire accompanying this Subpoena, each answer referring to the question to which it responds, and that you return the answers together with the original of the questions within **seven (7) days** after your receipt of the questions and this subpoena.

TAKE FURTHER NOTICE that pursuant to subdivision (b) of Section 5222 of the Civil Practice Law and rules, which is set forth in full herein, you are hereby forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such property or pay over or otherwise dispose of any such debt, except as therein provided.

CIVIL PRACTICE LAW AND RULES

Section 5222 (b) – Effect of restraint; prohibition of transfer; duration. A judgment debtor or obligor served with a restraining notice is forbidden to make or suffer any sale, assignment, transfer or interference with any property in which he or she has an interest, except as set forth in subdivisions (h) and (i) of this section, and except upon direction of the sheriff or pursuant to an order of the court, until the judgment or order is satisfied or vacated. A restraining notice served upon a person other than the judgment debtor or obligor is effective only if, at the time of service, he or she owes a debt to the judgment debtor or obligor or he or she is in the possession or custody of property in which he or she knows or has reason to believe the judgment debtor or obligor has an interest, or if the judgment creditor or support collection unit has stated in the notice that a specified debt is owed by the person served to the judgment debtor or obligor or that the judgment debtor or obligor has an interest in specified property in the possession or custody of the person served. All property in which the judgment debtor or obligor is known or believed to have an interest then in and thereafter coming into the possession or custody of such a person, including any specified in the notice, and all debts of such a person, including any specified in the notice, then due and thereafter coming due to the judgment debtor or obligor, shall be subject to the notice except as set forth in subdivisions (h) and (i) of this section. Such a person is forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such property, or pay over or otherwise dispose of any such debt, to any person other than the sheriff or the support collection unit, except as set forth in subdivisions (h) and (i) of this section, and except upon direction of the sheriff or pursuant to an order of the court, until the expiration of one year after the notice is served upon him or her, or until the judgment or order is satisfied or vacated, whichever event first occurs. A judgment creditor or support collection unit which has specified personal property or debt in a restraining notice shall be liable to the owner of the property or the person to whom the debt is owed, if other than the judgment debtor or obligor, for any damages sustained by reason of the restraint. If a garnishee served with a restraining notice withholds the payment of money belonging or owed to the judgment debtor or obligor in an amount equal to twice the amount due on the judgment or order, the restraining notice is not effective as to other property or money.

TAKE FURTHER NOTICE THAT DISOBEDIENCE OF THIS RESTRAINING NOTICE IS PUNISHABLE AS A CONTEMPT OF COURT AND MAY SUBJECT YOU TO FINE AND IMPRISONMENT.

TAKE FURTHER NOTICE THAT FAILURE TO COMPLY WITH THIS SUBPOENA, OR FALSE SWEARING, MAY SUBJECT YOU TO FINE AND IMPRISONMENT FOR CONTEMPT OF COURT. NONCOMPLIANCE WITH THE INFORMATION SUBPOENA SHALL FIRST SUBJECT YOU TO THE PENALTIES UNDER CPLR 2308(b)).

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. THIS COMMUNICATION IS FROM AN ATTORNEY/LAW FIRM AND THE ATTORNEY/LAW FIRM MIGHT ALSO BE CONSIDERED A “DEBT COLLECTOR.”

Dated: [REDACTED], New York

[REDACTED] 2019

[REDACTED]

[REDACTED]

Attorneys for Plaintiff / Judgment-Creditor

[REDACTED]

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF [REDACTED]

[REDACTED]

Plaintiff-Judgment Creditor,

v.

[REDACTED]

Defendant-Judgment Debtor(s).

**QUESTIONNAIRE TO INDIVIDUAL
JUDGMENT DEBTOR(S)
IN CONNECTION WITH
INFORMATION SUBPOENA**

Original Index No.: [REDACTED]

STATE OF NEW YORK)
) ss.:
COUNTY OF [REDACTED])

[REDACTED], being duly sworn, says, I have received a Subpoena, two (2) questionnaires [one (1) COPY and one (1) ORIGINAL questionnaire] accompanying said subpoena, and a prepaid self-addressed return envelope. The answers set forth are true and complete.

1. Q. Please furnish the following information:

1a) Your full name:

A. _____

1b) Your residence address and your mailing address, if different:

A. _____

1c) Your home telephone number *(You must answer this question, even if your telephone number is unlisted.):*

A. _____

1d) Your work telephone number:

A. _____

1e) Your cell phone number:

A. _____

1f) Your date of birth:

A. _____

1g) Your social security number:

A. _____

2. Q. What is your occupation(s) or profession(s)?

A. _____

3. Q. Are you employed?

A. _____

4. Q. What is the name and address of your present employer, or if you are laid off or unemployed, of your last employer?

A. _____

5. Q. Are you engaged in a business in an individual, partnership, or incorporated form?

A. _____

6. Q. If engaged in a business, what is the name of the business?

A. _____

7. Q. When is your salary payable or when do you derive income from your business?

A. _____

8. Q. What are your gross earnings or income per week from this business?

A. _____

9. Q. What are your average after-tax earnings you receive or income you derive from each of your occupation(s), profession(s), employer(s), and business(es) per pay period? And how often are you paid this amount (weekly, every other week, etc.)?

A. _____

10. Q. Attach a copy of your most recent pay stub(s) to this Questionnaire.

A. [Debtor to attach.]

11. Q. How are you paid (e.g., cash, check, direct deposit)?

A. _____

12. Q. Do you receive any bonuses other than your salary? How often do you receive them?

A. _____

13. Q. Do you receive any income from any other sources, and if so, explain?

A. _____

14. Q. What amount of income have you received from your occupation(s), profession(s), employer(s), and business(es) during each of the two (2) years immediately preceding the entry of judgment in this action?

A. _____

15. Q. Indicate your taxable and net income by attaching to your answers a copy the last two (2) federal tax returns you filed, to include the W-2 forms and schedules.

A. [Debtor to attach.]

16. Q. If you are married, what is your spouse's full name, date of birth, and social security number?

A. _____

17. Q. Is your spouse employed?

A. _____

18. Q. What is the name and address of your spouse's present employer, or if your spouse is laid off or unemployed, of his or her last employer?

A. _____

19. Q. What are your spouse's net earnings per pay period and how often is he or she paid this amount (weekly, every other week, etc.)?

A. _____

20. Q. Do you have a checking or savings account?

A. _____

21. Q. What are the account number(s) of each account?

A. _____

22. Q. State the names and addresses of each bank, credit union, or other institution where you have these accounts:

A. _____

23. Q. What is the present balance on deposit in each account?

A. _____

24. Q. Do you have any investment accounts? If so, where are these accounts located?

A. _____

25. Q. Does your spouse have a checking or savings account?

A. _____

26. Q. What are the account number(s) of each account?

A. _____

27. Q. State the names and addresses of each bank, credit union, or other institution where your spouse has these accounts:

A. _____

28. Q. What is the present balance on deposit in each account?

A. _____

29. Q. Have you or your spouse closed any bank account since the summons in this action

was served on you?

A. _____

30. Q. If so, give name and address of bank.

A. _____

31. Q. How much was on deposit at time the account was closed?

A. _____

32. Q. Do you own any stocks, bonds, defense bonds or other securities? If so, identify each such item.

A. _____

33. Q. Do you own any collections of art, stamps, coins, recordings, antiques or other collectibles?

A. _____

34. Q. If so, describe each collection, specify its location and provided an estimate as to its current value:

A. _____

35. Q. What property do have you in pawn and where was it pawned?

A. _____

36. Q. Do you rent your apartment, or house? If so, what is your landlord's name and address?

A. _____

37. Q. Who pays your rent and how is it paid (cash or check)? How much is your monthly rent?

A. _____

38. Q. Do you own any real estate or have any interest in real estate (including but not limited to a home, farm, building lot, or commercial property)?

A. _____

39. Q. State the address and the county where each property is located:

A. _____

40. Q. Describe the improvements thereon for each address:

A. _____

41. Q. State the extent of your ownership in the property (i.e. sole ownership, joint ownership, etc.):

A. _____

42. Q. Who holds the mortgages and what are the current balances?

A. _____

43. Q. What are the monthly payments thereon?

A. _____

44. Q. If none of the monthly mortgage payments includes an escrow for taxes, what are the annual property taxes?

A. _____

45. Q. Who pays the mortgages and taxes, and how are they paid (cash or check)?

A. _____

46. Q. Are you a landlord? If yes, are there any tenants paying you rent monies? Please provide their name, address, and how they pay their rent to you:

A. _____

47. Q. Have you sold, conveyed, or assigned any of your property real or personal within the past 2 years?

A. _____

48. Q. If so, describe each item of property, indicate the name and address of the

purchaser and the consideration received.

A. _____

49. Q. Have you made a gift of any of your real or personal property to anyone since the summons in the above entitled action was served on you?

A. _____

50. Q. If so, describe each item and provide the name, address and relationship of the recipient.

A. _____

51. Q. Do you receive any money from others to help support yourself?

A. _____

52. Q. If so, what are the names and addresses of such persons?

A. _____

53. Q. What are the amounts that such persons contribute for your support?

A. _____

54. Q. Are you presently receiving public assistance in any form? If so, please specify the type and monthly amounts you receive for each such type of public assistance.

A. _____

55. Q. Do you own an automobile, all-terrain vehicle (ATV), motorcycle, snowmobile, airplane, or boat? If so, describe the make, year and model, serial and license number of each.

A. _____

56. Q. Is it covered by any chattel mortgage, conditional sales or other security agreement?

A. _____

57. Q. If so, for each, who holds the security agreement and how much is the balance owed on the collateral?

A. _____

58. Q. Does your spouse own an automobile, all-terrain vehicle (ATV), motorcycle, snowmobile, airplane, or boat? If so, describe the make, year and model, serial and license number of each.

A. _____

59. Q. Is it covered by any chattel mortgage, conditional sales or other security agreement?

A. _____

60. Q. If so, for each, who holds the security agreement and how much is the balance owed on the collateral?

A. _____

61. Q. Where do you or your spouse each keep the automobile, all-terrain vehicle (ATV), motorcycle, snowmobile, airplane, or boat listed above?

A. _____

62. Q. Do you or your spouse have any sources of income or assets not mentioned above? If yes, give specifics including the sources and amount(s) of the income and a description of the assets, their owner(s), and their location.

A. _____

63. Q. Do you keep any records relating to your income and expenses?

A. _____

64. Q. What is the name and address of your accountant?

A. _____

65. Q. Are you a party to any lawsuit? If so, please provide details.

A. _____

66. Q. Have you been involved in any automobile accident, or in any way been injured through any person's fault, within the last three years?

A. _____

67. Q. If so, give the date of the accident or injury, the name of the insurance company,

and the name of your attorney, if any.

A. _____

68. Q. Are there any other judgments against you?

A. _____

69. Q. If so, give the following information with respect to each judgment: Name of court, date of judgment, name of plaintiff and amount of judgment.

A. _____

70. Q. Is there an income execution or wage assignment presently against your wages or has an installment payment order been granted directing you to make payments to any judgment creditor?

A. _____

71. Q. Are you presently making any payments pursuant to any court order or income execution? If so, please explain, and state how much is so paid, how frequently, to whom and what is the current outstanding balance on the applicable debt?

A. _____

72. Q. Does anyone owe you money? If so, please provide name and address of the person/entity, how much they owe you and the due date?

A. _____

73. Q. If you cannot pay the entire judgment at this time, our client may accept monthly installment payments, as a matter of courtesy. Please indicate how much you will send us each month, and on what date we can expect your first payment (Payments should be as substantial as possible because interest is continuing to accrue.)

A. _____

 (Please sign here)

Sworn to before me this
_____ day of _____, 2019.

Notary Public