

Judgment Creditor(s), Name & Address

Vs

**INCOME EXECUTION**

The People of the State of New York

Judgment Debtor, Name & Address

**To the Enforcement Office, Greeting:** The enforcement Officer is the Sheriff, Marshall of the City or Constable of the Town or Village authorized by law to enforce Income Executions.

A judgment was entered in the within Court in favor of the Judgment Creditor(s) and the particulars are as follows:

<u>ENTRY DATE</u>	<u>ORIGINAL AMT</u>	<u>AMOUNT DUE</u>	<u>INTEREST FROM</u>
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The Judgment was recovered against \_\_\_\_\_, Judgment Debtor, and Transcribed with the County Clerk(s) of \_\_\_\_\_ County on \_\_\_\_\_.

Whereas, this execution is issued against \_\_\_\_\_, Judgment Debtor, whose last known address is \_\_\_\_\_.

\_\_\_\_\_ and who is employed by: \_\_\_\_\_.

You are directed to satisfy the judgment with interest together with your fees and expenses, out of all monies now and hereafter due and owing to the Judgment Debtor from the Employer pursuant to CPLR § 5231.

**Directions to Judgment Debtor: You are notified and commanded within 20 days** to start paying to the Enforcement Officer serving a copy of this Income Execution on you: installments amounting to 10% (but no more than the Federal limits set forth below in **I. Limitations on the amount that can be withheld**) of any and all salary, wages or other income, including any and all overtime earnings, commissions or other irregular compensation received or hereafter to be received from your Employer and to continue paying such installments until the judgment with interest and the fees and expenses of this Income Execution are fully paid and satisfied, and if you fail to do so this Income Execution will be served upon the Employer by the Enforcement Officer.

**Directions to the Employer: You are commanded** to withhold and pay over to the Enforcement Officer serving a copy of this Income Execution on you: installments amounting to 10% (but no more than the Federal limits set forth below in **I. Limitations on the amount that can be withheld**) of any and all salary, wages or other income including any and all overtime earnings, commissions or other irregular compensation now or hereafter becoming due to Judgment Debtor until the judgment with interest and the fees and expenses of this Income Execution are fully paid and satisfied.

Dated:

\_\_\_\_\_  
Clerk of the Court or County Clerk

**Important Statement**

This income execution directs the withholding of up to 10% of Judgment Debtor's gross income. In certain cases, however, State or Federal law does not permit the withholding of that much of the Judgment Debtor's gross income. The Judgment Debtor is referred to New York Civil Practice Law and rules § 5231 and 15 United States code §1671 et seq.

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## **I. Limitations on the amount that can be withheld:**

- A.** An Income Execution for installments from a Judgment Debtor's gross income cannot exceed 10% of the Judgment Debtor's gross income.
- B.** If a Judgment Debtor's weekly disposable earnings are less than the greater of 30 times the current Federal minimum wage (\$7.25 per hour, or \$217.50), or 30 times the current New York State minimum wage (\$13.20 per hour, or \$396.00) no deduction can be made from the Judgment Debtor's earnings under this Income Execution.
- C.** A Judgment Debtor's weekly disposable earnings cannot be reduced below the amount arrived at by multiplying 30 times the greater of the current Federal minimum wage (\$7.25 per hour, or \$217.50), or 30 times the current New York State minimum wage (\$13.20 per hour, or \$396.00), under this Income Execution.
- D.** If deductions are being made from a Judgment Debtor's earnings under any orders for alimony, support, or maintenance for family members or former spouses, and those deductions equal or exceed 25% of the Judgment Debtor's disposable earnings, no deduction can be made from the Judgment Debtor's earnings under this Income Execution.
- E.** If deductions are being made from a Judgment Debtor's earnings under any orders for alimony, support or maintenance for family members or former spouses, and those deductions are less than 25% of the Judgment Debtor's disposable earnings, deductions may be made from the Judgment Debtor's earnings under this Income Execution. However, the amount arrived at by adding the deductions from earnings made under this execution to the deductions made from earnings under any orders for alimony, support or maintenance for family members or former spouses cannot exceed 25% of the Judgment Debtor's disposable earnings.
- F.** If the Judgment Debtor is a fast food service employee who is employed within New York City or a SUNY Employee no deduction can be made if the debtor earns less than the greater of 30 times the current federal minimum wage (\$7.25 per hour, or \$217.50), or the current state minimum wage (\$15 per hour, or \$450.00).
- G.** If the Judgment Debtor is a fast food service employee employed outside of NYC, no deduction can be made if the debtor earns less than the greater of 30 times the current federal minimum wage (\$7.25 per hour, or \$217.50), or the current state minimum wage (\$15.00 per hour, or \$450.00).
- H.** If a Judgment Debtor is an employee for an Employer with 10 employees or less in NYC, no deduction can be made if the debtor earns less than the greater of 30 times the current federal minimum wage (\$7.25 per hour, or \$217.50), or the current state minimum wage(\$15.00 per hour, or \$450.00).
- I.** If a Judgment Debtor is an employee for an Employer with more than 10 employees in NYC, no deduction can be made if the debtor earns less than the greater of 30 times the current federal minimum wage (\$7.25 per hour, or \$217.50), or current state minimum wage (\$15.00 per hour, or \$450.00).
- J.** If a Judgment Debtor is an employee for an Employer with more than 10 employees in Nassau, Suffolk or Westchester Counties, no deduction can be made if the debtor earns less than the greater of 30 times the current federal minimum wage (\$7.25 per hour, or \$217.50), or current state minimum wage (\$15.00 per hour, or \$450.00).

**Note: Nothing in this notice limits the proportion or amount which may be deducted under any order for alimony, support, or maintenance for family members or former spouses.**

## **II. Explanation of Limitations:**

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**Definitions:**

Disposable Earnings: Disposable earnings are the part of an individual's earnings left after deducting those amounts that are required by law to be withheld, (taxes, social security and unemployment insurance, but not deductions for union dues, insurance plans etc.).

Gross Income: Gross Income is salary, wages or other income, including any and all overtime earnings, commissions and income from trusts, before any deductions are made from such income.

**Illustrations regarding earnings:  
If disposable earnings are:**

**Amount to pay or deduct from earnings  
under this Income Execution is:**

- D 30 times the greater of the federal minimum wage (\$217.50) or the state minimum wage (\$396.00); NYC fast food employee or SUNY employee (\$450.00); Outside NYC fast food employee (\$450.00); Employee working for NYC Employer with 10 employees or less (\$450.00); Employee working for NYC employer with more than 10 employees (\$450.00); Employee working for a Nassau, Suffolk, Westchester counties employer with more than 10 employees (\$450.00) or less.
- E More than 30 times the greater of the federal minimum wage (\$217.50) or New York State minimum wage (\$396.00); NYC fast food employee or SUNY employee (\$450.00); Outside NYC fast food employee (\$450.00); Employee working for NYC Employer with 10 employees or less (\$450.00); Employee working for NYC employer with more than 10 employees (\$450.00); Employee working for a Nassau, Suffolk, Westchester counties employer with more than 10 employees (\$450.00) and less than 40 times the greater of the federal minimum wage (\$290.00) or state minimum wage (\$528.00); NYC fast food employee or SUNY employee (\$600.00); Outside NYC fast food employee (\$600.00); Employee working for NYC Employer with 10 employees or less (\$600.00); Employee working for NYC employer with more than 10 employees (\$600.00); Employee working for a Nassau, Suffolk, Westchester counties employer with more than 10 employees (\$ .00).
- F 40 times the greater of the federal minimum wage (\$290) or the state minimum wage (\$528.00); NYC fast food employee or SUNY employee (\$600.00); Outside NYC fast food employee (\$600.00); Employee working for NYC Employer with 10 employees or less (\$600.00); Employee working for NYC employer with more than 10 employees (\$600.00); Employee working for a Nassau, Suffolk, Westchester counties employer with more than 10 employees (\$ .00) or more.

No payment or deduction allowed.

The lesser of: the excess over the greater of 30 times the federal minimum wage (\$217.50), or the state minimum wage (\$396.00); NYC fast food employee or SUNY employee (\$450.00); Outside NYC fast food employee (\$450.00); Employee working for NYC Employer with 10 employees or less (\$450.00); Employee working for NYC employer with more than 10 employees (\$450.00); Employee working for a Nassau, Suffolk, Westchester counties employer with more than 10 employees (\$420.00) in disposable earnings or 10% of gross earnings.

The lesser of: 25% of disposable earnings or 10% of gross earnings.

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**III. Notice: You may be able to challenge this Income Execution through the procedures provided in CPLR § 5231(i) and CPLR § 5240.** If you think that the amount of your earnings being deducted under this Income Execution exceeds the amount permitted by State or Federal law, you should act promptly because the money will be applied to the judgment. If you claim that the amount of your earnings being deducted under this Income Execution exceeds the amount permitted by State or Federal law, you should contact your employer or other person paying your earnings. Further, **YOU MAY CONSULT AN ATTORNEY, INCLUDING LEGAL AID IF YOU QUALIFY.** New York State law provides two procedures through which an Income Execution can be challenged.

**CPLR § 5231(i) Modification:** At any time, the Judgment Debtor may make a motion to a court for an order modifying an Income Execution.

**CPLR § 5240 Modification or protective order: Supervision of enforcement.** At any time, the Judgment Debtor may make a motion to a court for an order denying, limiting, conditioning, regulating, extending or modifying the use of any post judgment enforcement procedure including the use of Income Executions.

**IV. Notice: CPLR § 5230**

Pursuant to subdivision (l) of section fifty-two hundred five of this article, three thousand dollars of an account containing direct deposits or electronic payments reasonably identifiable as statutorily exempt payments, as defined in paragraph two of subdivision (l) of section fifty-two hundred five of this article is exempt from execution and that the garnishee cannot levy upon or restrain, three thousand dollars in such an account.

Further, pursuant to subdivision (i) of section fifty-two hundred twenty-two of this article, an execution shall not apply to an amount equal to or less than 90% of the greater of two hundred forty times the federal minimum hourly wage prescribed in the fair labor standards act of 1938 or two hundred forty times the state minimum hourly wage prescribed in section six hundred fifty-two of the labor law as in effect at the time the earnings are payable, except such part as a court determines to be unnecessary for the reasonable requirements of the Judgment Debtor and his or her dependents.