



The City of New York
Department of Investigation

MARGARET GARNETT
COMMISSIONER

80 MAIDEN LANE
NEW YORK, NY 10038
212-825-5900

To: City Marshals

From: Caroline Tang-Alejandro, Director of Bureau of City Marshals

Subject: New York City Marshals Handbook of Regulations - Reminder

Date: December 12, 2018

You are hereby reminded that City marshals are responsible for following all regulations as promulgated in the New York City Marshals Handbook of Regulations (Handbook). As some have already been reminded, in person or by telephone, be advised that property executions are to be served by personal service, within the geographical boundaries of the City of New York. City marshals are to retain proof of service and must maintain accurate records. The Bureau of City Marshals is to be informed of any and all legal actions to which a City marshal is a named party, within 10 days of when the marshal becomes aware of the matter, and a copy of the complaint is to be provided to the Bureau. Carefully re-review Chapters II, X, XII and the Appendix of the Handbook. Partial segments of the corresponding sections are listed below.

Chapter II, Section 1: General

A marshal's jurisdiction and authority to serve executions against personal property, as well as all other mandates and processes, extends through and is limited to the geographical boundaries of the City of New York.

Chapter II, Section 5: Service

Service on a corporation must be made according to the provisions of § 311 of the CPLR; that is, by personally serving (in-hand) an officer or other agent of the corporation. Under no circumstances may service be made by mailing a copy of the execution to the corporate garnishee. (Note: Faxing an execution does not qualify as personal service.)

Chapter X, Section 2-1: Department Of Investigation Notification of Service of Legal Process upon a Marshal

In connection with any legal action or proceeding to which a marshal is a party (plaintiff, defendant, joined or impleaded party, etc.) in his or her official capacity, the Department of Investigation must be supplied with the following information within ten (10) days after the marshal becomes aware of the action:

- a. title of action;
- b. index number;
- c. name of court and county;
- d. names of all parties to the action; and
- e. a copy of the complaint.

If the marshal is named as a defendant in a civil action arising out of a Parking Violation Bureau execution or demand, the marshal must supply the Department of Investigation with the information specified above and must forward copies of all papers served upon him or her to the Special Counsel for Parking Violations Operations at the Department of Finance and to the Corporation Counsel of the City of New York. (See Chapter II, § 10-6.)

Chapter XII, Section 2-5: Property Execution Docket Record or Book

All actions taken in connection with property executions must be recorded in the property execution docket record or book. The information called for on each docket page or in each docket record field must be provided. All entries need to be legible, complete, and must accurately reflect the status of the matter.

Chapter XII, Section 6: Records Retention and Disposal

The NYC Marshals Records Retention Schedule, located in the Appendix of the Handbook, specifies that the marshal must keep proof of service for property execution cases for five years from the date of the last entry in the record.

Please confirm receipt by printing your name, signing, dating and returning a copy of this writing back to the Department of Investigation, Bureau of City Marshals.

(Marshal's Name)

(Marshal's Signature)

_____/2018
(Date of Receipt)

NO STAMPS OR SURROGATES