

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK - NASSAU COUNTY

Present: HON. ANTHONY L. PARGA

Justice

-----X PART 8

THE NEW YORK STATE COMMISSIONER OF
TAXATION AND FINANCE,
Judgment Creditor- Petitioner,

-against-

TD BANK,
Garnishee-Respondent,

-and-

DAVID RUBIN,
Judgment Debtor,

-and-

ANNA RUBIN,
Joint Tenant.

INDEX NO. 4151/11

MOTION DATE: 04/29/11

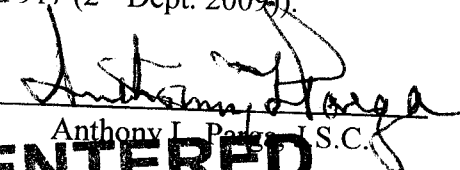
SEQUENCE NO: 01

-----X
Notice of Petition, Affs. & Exs..... 1

Upon the foregoing papers, petitioner's unopposed application for a turn-over order pursuant to CPLR §§5225(b) and 5227 is granted; all account holders at issue have been served with notice of this proceeding.

Respondent TD Bank is directed to turn over to Petitioner, in care of its attorney, the sum of \$8,250.12, plus interest, from the contents of the account maintained by judgment debtor in the name of David Rubin and the joint tenant Anna Rubin, within ten (10) days of this order. (*Signature Bank v HSBC Bank USA, N.A.*, 67 A.D.3d 917 (2nd Dept. 2009)).

Dated: June 20, 2011


Anthony L. Parga, J.S.C.

ENTERED

JUN 22 2011

Cc: Josh Russell, Esq.
District Tax Attorney
400 Oak Street, Suite 102
Garden City, New York 11530

TD Bank
237 Glen Street
Glen Falls, NY 12801

David Rubin
110 Shore Boulevard
Brooklyn, NY 11235

Anna Rubin
110 Shore Boulevard
Brooklyn, NY 11235

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

Parga
MOTION SEQUENCE # 1
ORIGINAL RETURN DATE 4.29.11
RELIEF EP

THE NEW YORK STATE COMMISSIONER OF
TAXATION AND FINANCE,
Judgment Creditor-Petitioner,

-against-

TD BANK,
Garnishee-Respondent,

-and-

DAVID RUBIN,
Judgment Debtor,

-and-

ANNA RUBIN,
Joint Tenant.

Index No. 415111

NOTICE OF PETITION
IN SUPPORT OF
TURNOVER ORDER

verified

PLEASE TAKE NOTICE that, upon the annexed petition of the New York State Commissioner of Taxation and Finance, sworn to on March 15, 2011, the undersigned will move the Supreme Court of Nassau County, at the Submission Part thereof, to be held at the Nassau County Supreme Court, 100 Supreme Court Drive, IAS Part 8, Mineola, New York, on April 29, 2011, at 9:30 a.m. that day, or as soon thereafter as counsel may be heard, for an order pursuant to CPLR Section 5225(b) and 5227, directing the Garnishee-Respondent to turn over to the New York State Department of Taxation and Finance the sum of \$8,250.12 with interest plus additional penalties as provided by law, from accounts being held in the name of, or for the benefit of David Rubin, the Judgment Debtor herein, and for such other relief as to the Court may seem just and proper.

PLEASE TAKE FURTHER NOTICE that demand is hereby made pursuant to CPLR section 403(b) that the answer and supporting affidavits, if any, be served on the undersigned at least seven (7) days before the date of the hearing specified above.

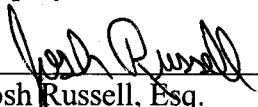
PLEASE TAKE FURTHER NOTICE, that pursuant to rules of the Court, there will be no personal appearance or oral argument on this petition unless the Court so requests.

Nassau County is designated as the place of the special proceeding because it is a place of business of Petitioner.

ENTERED
IN
COMPUTER
KLM

Daniel Smirlock
Deputy Commissioner and Counsel

By:



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