

SUFFOLK COUNTY TREASURER'S COURT AND TRUST FUNDS FUNCTION

Under certain circumstances a court may order that funds be deposited with the County Treasurer who will maintain custody of those funds in a separate interest bearing account pending the decision of the court as to how the funds are to be distributed. Types of actions that can require such a deposit include Foreclosures, Small Claims, Mechanic's Liens, and Guardianships, among others.

REQUIREMENTS FOR DEPOSIT

Depending on the type of action, the following must be presented with the check for deposit:

- I. 1 Certified copy of Judgment of Foreclosure and sale, or 1 certified copy of a Supreme Court order directing monies to be deposited with the Suffolk County Treasurer.
- II. 1 Certified copy of Decree in Accounting from Surrogate's Court directing monies to be deposited with the Suffolk County Treasurer.
- III. Copy of County Clerk's Certificate of Deposit or Trust Deposit receipt from District Court (these are sent directly to the Treasurer's Office by the Clerk or the Court).

All orders must be filed with the Suffolk County Clerk and certified either by the County Clerk or an Attorney.

Orders that require a deposit with "the Clerk of the Court," or that otherwise do not specifically name the Suffolk County Treasurer, will require that funds be deposited with the Suffolk County Clerk's Office (mechanic's liens, undertakings) who will then transfer the funds to the County Treasurer under a County Clerk's Certificate, or that the order be amended.

CERTIFICATES OF DEPOSIT

Before ordering the release of any funds, the court will require a certificate of deposit that certifies that funds are held by the Suffolk County Treasurer to the credit of the specific action. Requests for Certificates of Deposit should include the action number or index number, action title, and a fee of \$1.00 for each copy and should be sent to our address below.

REQUIREMENTS FOR RELEASE OF FUNDS HELD BY THE SUFFOLK COUNTY TREASURER

Funds are released after receipt of proper documentation, described below. Please be aware that processing disbursements takes approximately one week and checks cannot be issued at the time the documentation is received. Time is needed for the bank to post interest and close the accounts, and for our staff to complete necessary paperwork and issue checks, all of which must also then be

audited internally. After audit, a voucher will be issued that must be signed by the payee before a check can be released.

Depending on the type of action, funds can be released only after submission of the following documentation:

I. Supreme Court Orders – The Suffolk County Treasurer must receive 2 copies of a Court Order (per C.P.L.R section 2607), filed with the County Clerk and “true copy” certified by either the County Clerk or an attorney, directing the Suffolk County Treasurer to make payment to the party or parties entitles to same, of the original deposit plus any accrued interest, less the statutory fees of the County Treasurer (2%) as per Section 8010 C.P.L.R.

II. Surrogate’s Court Orders – The Suffolk County Treasurer must receive 2 copies of a Court Order (per C.P.L.R. section 2607) certified by the Clerk of the Surrogate’s Court, that directs the County Treasurer to make payment to the party or parties entitled to same, of the original deposit plus any accrued interest, less the statutory fees of the County Treasurer (2%) as per Section 8010 C.P.L.R.

III. District Court Orders – The County Treasurer receives the Order for Release of Funds for these actions directly from the Chief Clerk’s Office, District Court, Central Islip. You must contact them at 631 853-5438 if there is any problem with the payout order and, if appropriate, they will forward a corrected order to the County Treasurer’s Office.

IV. Mechanic’s Liens – Funds can be disbursed by the County Treasurer in one of three ways:

A. After submitting 2 copies of a Supreme Court Order (per C.P.L.R. section 2607) directing the Suffolk County Treasurer to release the funds to the party or parties entitled to same, plus accrued interest, less the statutory fees of the County Treasurer (2%) as per Section 8010 C.P.L.R.

B. By filing an original and 1 copy of a notarized Affadavit of Lienor with the Suffolk County Treasurer and a Request to Release Form, wherein the lienor deposes that he/she has not acted to foreclose on the lien, nor secured a court order to extend the lien within one year of the filing date of the notice of lien. The disbursement is subject to the statutory fees of the County Treasurer (2%) as per Section 8010 C.P.L.R.

C. By submitting 2 copies of a filed Satisfaction of Mechanic’s Lien filed or Release of Lean form notarized and stamped by the County Clerk and a Request to Release form with the County Treasurer. The disbursement is subject to the statutory fees of the County Treasurer (2%) as per Section 8010 C.P.L.R.

UNCLAIMED FUNDS

As required by law, the Treasurer will transfer any accounts containing funds on deposit to the credit of actions that have had no activity for a period of three years to New York State as abandoned property. If the three year period is nearing an end, you may be able to obtain a Certificate of Deposit from this office which will extend the period for one additional year, depending on the circumstances.

You can get information on funds that have been transferred to New York State and learn how to submit a claim for them on the New York State Comptroller's Website. Click on the "unclaimed funds" link at <http://www.osc.state.ny.us> You can contact our office for a Claim Information Affidavit which will facilitate processing at the State level.

CONTACT INFORMATION

Mail should be directed to:

Suffolk County Treasurer's Office/Accounting Unit
330 Center Drive
Riverhead, NY 11901-3311

Phone 631 852-1523

Fax 631 852-2752

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