

Your Committee is in receipt of a proposed Act which, if enacted by your Honorable Board, would authorize the County Attorney to commence a special proceeding (i) vacating a mistakenly filed satisfaction of judgment; and (ii) ordering the return of incorrectly remitted funds in the amount of one thousand one hundred five and 13/100 dollars (\$1,105.13). The satisfaction of judgment was mistakenly filed as a result of a clerical error in the Civil Unit of the Westchester County Department of Public Safety (the "Sheriff's Office"). That clerical error was also the cause of the incorrectly remitted funds.

Pursuant to statutory and decisional law, a satisfaction of judgment can only be vacated by order of the court. The County Attorney has therefore recommended commencing a special proceeding for a court order (i) vacating a mistakenly filed satisfaction of judgment; and (ii) ordering the return of incorrectly remitted funds.

Your Committee concurs with the County Attorney and therefore recommends that the Board approve the accompanying Act authorizing the County Attorney to initiate such a special proceeding.

An affirmative vote of a majority of the Board is required to pass this Act.

Dated: White Plains, New York
June 30, 2023

Henry Zellerbach
Debra Gabri
John H. ...
Mary Ann
Carl ...
Henry ...
John ...
John ...

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Debra Gabri
Mary Ann
Carl ...
John ...
John ...

I:stc- 2023 06 03

Budget & Appropriations

Law & Major Contracts

FISCAL IMPACT STATEMENT

SUBJECT: Proceeding to Vacate Satisfaction of Judgment

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ -0

Total Current Year Revenue \$ _____

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount \$ _____

Describe: _____

Potential Related Revenues: Annual Amount \$ _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:



Current Year: _____

Next Four years: _____

Prepared by: Sean T. Carey

Title: Associate County Attorney

Department: Law

^{AD} Reviewed By:  : 

Budget Department

6/13/23

If you need more space, please attach additional sheets.

ACT NO. 143 - 2023

AN ACT authorizing the County Attorney to commence a special proceeding to vacate a mistakenly filed satisfaction of judgment and to order the return of incorrectly remitted funds.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

1. The County Attorney is authorized to commence a special proceeding on behalf of the Acting Commissioner/Sheriff of the Westchester County Department of Public Safety pursuant to Article 4 of the Civil Practice Law and Rules to vacate a mistakenly filed satisfaction of judgment and to order the return of incorrectly remitted funds.
2. The County Attorney or her designee be and hereby is authorized to execute and deliver all documents and take such actions as the County Attorney deems necessary and desirable to accomplish the purposes hereof.
3. This Act shall take effect immediately.

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 143 - 2023, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on August 7, 2023, and approved by the County Executive on August 7, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 8th day of August, 2023.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

