

LAW OFFICE OF JEFFREY S. KIMMEL
1640 Vauxhall Road • Suite 2F • Union, NJ 07083

t (212) 684-5454
f (347) 478-5120
jk@jklawnynj.com

Admitted in NY & NJ

LETTER OF ENGAGEMENT
Domestication of Foreign Judgment in New York

Dear Out of State Attorney:

You have inquired about retaining our firm to domesticate a foreign judgment in the State of New York. The purpose of this letter is to summarize the terms of your engagement of our representation and to outline the steps we will take on your behalf in accordance with the rules and procedures governing judgment domestication in New York.

NY CPLR § 5402 provides that New York must offer full faith and credit to all sister state judgments and lays out an expedited procedure to effectuate the same. The first step is for you to obtain an exemplified, triple-sealed record of your out-of-state judgment from the court in which it was entered. This record will generally be signed and sealed by three people, including at least one judge or magistrate, at least one clerk, and sometimes a prothonotary. To avoid any misunderstanding when obtaining this document, you should explain to the clerk that you intend to file and enforce the judgment in another state. This should ensure that you are provided the proper type of record for this purpose. Please note: exemplified judgment copies are valid for 90 days only. If your copy expires before it is filed in New York you will need to return to the court in your home state to obtain a new copy.

While you obtain the exemplified copy of your judgment, we will simultaneously prepare an Affidavit in Support of our request for domestication. This Affidavit will need to be signed by an authorized principal of the judgment creditor. Once we have the exemplified copy of your judgment and the signed supporting Affidavit, we will promptly file both documents in New York in the county in which the judgment debtor resides, and we will mail notice of filing of the foreign judgment to the judgment debtor at his last known address pursuant to NY CPLR § 5403.

To commence performance of the services described above, we require a retainer fee in the amount of \$1,800. This fee is nonrefundable even if we are unable to successfully domesticate your out-of-state judgment due to forces beyond our control. You will also be billed separately and periodically for necessary out-of-pocket disbursements our firm will advance. These disbursements will typically include: \$210 per New York index number purchased (all New York domesticated judgments require an index number) and approximately \$100 for miscellaneous expenses.

After the judgment has been domesticated, you may wish to enlist our firm to execute the judgment and collect the funds from the debtor. If we agree to execute the judgment on your behalf, we can discuss the different payment options that we offer, such as an hourly fee, contingency fee, or hybrid, depending on the circumstances and your preference.

In the rare instance that the debtor retains counsel and initiates adversarial proceedings, our services will include any work associated with adversarial litigation proceedings, at an additional fee of \$250 per hour.

Please sign and return this letter to indicate your assent to the terms of this agreement. We look forward to working with you on this matter.

Very truly yours,

Jeffrey S. Kimmel, Esq.

Signed: _____

Print Name: _____
Authorized Signatory