

CIVIL QUIZ 3:

1. Following settlement of a case, a natural defendant shall pay the amount due within ___ days following Plaintiff's tender of the Stipulation of Discontinuance.

- a) 14.
- b) 21.
- c) 28.
- d) 90.

2. Income deduction pursuant to child support order shall commence no later than the 1st pay period following ___ days since service, and be remitted within ___ days thereafter.

- a) 10; 7 .
- b) 10; 10.
- c) 14; 7.
- d) 14; 10.

3. Upon filing a satisfaction piece, a copy must be mailed to the debtor within ___ days.

- a) 10.
- b) 15.
- c) 20.
- d) 30.

4. In a medical/dental/podiatric malpractice case, the plaintiff shall file a certificate to that effect within ___ days of joinder of issue.

- a) 20.
- b) 30.
- c) 60.
- d) 90.

5. If an employer is found to have failed to comply with an Support Collection Unit income execution, and this be the 3rd such offense, Family Court may impose a civil penalty of:

- a) \$500.
- b) \$750.
- c) \$1,000.00.
- d) \$1,500.00.

6. Motions for the Court to appoint an Advisory Jury or Hearing Referee must be made no later than ___ days from joinder of issue.

- a) 10.
- b) 15.
- c) 20.
- d) 30.

7. Of the following items exempt from application against a money judgment, which is NOT subject to the 60 day limit?

- a) family's food.
- b) farm team's food.
- c) pets' food.
- d) guide dog's food.

8. Which of the following cases would be afforded calendar preference?

- a) Plaintiff's attorney is over 70 years old.
- b) Defendant is New York State.
- c) Legal malpractice.
- d) all of the above.

9. Objection regarding "mistake of fact" to Support Collection Unit income execution shall be determined by the Court within ___ days.

- a) 15.
- b) 30.
- c) 45.
- d) 60.

10. Of the following items exempt from application against a money judgment, debtor may retain only one of each, EXCEPT:

- a) television.
- b) stove.
- c) radio.
- d) refrigerator.

11. Preliminary conference for a case where a party has notified the clerk of a terminal illness shall be held within ___ days.

- a) 10.
- b) 20.
- c) 30.
- d) 60.

12. No income shall be withheld pursuant to an income execution for any week where the debtor's pay is less than ___ times the Federal Minimum Wage.

- a) 40.
- b) 35.
- c) 30.
- d) 25.

13. Rules for arbitration are set by the:

- a) Chief Administrator.
- b) Administrative Judge.
- c) Chief Judge of the Court of Appeals.
- d) State Administrator.

14. Regarding dismissals, which of the following statements is most accurate:

- a) before the close of a party's evidence: generally on the merits.
- b) after the close of a party's evidence: generally not on the merits.
- c) both.
- d) neither.

15. Withholding for a non-child support debt cannot exceed ___ percentage of disposable income.

- a) 10.
- b) 15.
- c) 20.
- d) 25.

16. Motion for preference not included in the Note of Issue may be made by another party within ___ days.

- a) 5.
- b) 10.
- c) 15.
- d) 20.

17. If a debtor had not been served the restraining notice within one year prior, they must be mailed a copy no more than ___ days following service on the garnishee.

- a) 2.
- b) 3.
- c) 4.
- d) 5.

18. Court's decision following a bench trial is due within ___ days.

- a) 20.

- b) 40.
- c) 60.
- d) 90.

19. Information subpoenas shall be answered within ___ days.

- a) 5.
- b) 7.
- c) 10.
- d) 15.

20. If a new party is added to a case after a Note of Issue has been filed, he/she must be served with the note within ___ days.

- a) 5.
- b) 10.
- c) 15.
- d) 20.

21. The sheriff shall pay out monies received on an execution within ___ days.

- a) 20.
- b) 30.
- c) 60.
- d) 90.

22. Motion to confirm the verdict of an advisory jury shall be made within ___ days.

- a) 5.
- b) 10.
- c) 15.
- d) 20.

23. Restraining notices are good for ___ year(s).

- a) 1.
- b) 2.
- c) 3.
- d) 5.

24. A case shall be deemed abandoned when marked off-calendar and not restored within ___.

- a) 180 days.

- b) 6 months.
- c) 12 months.
- d) 1 year.

25. Transcripts of the following court may be docketed in the County Clerk's office:

- a) Supreme Court.
- b) County Court.
- c) Family Court.
- d) Surrogate's Court.

26. A receiver is entitled to a maximum compensation of:

- a) 3%.
- b) 5%.
- c) 7%.
- d) 10%.

27. Arbitration outside of NYC shall be for amounts up to:

- a) \$3,000.00.
- b) \$6,000.00.
- c) \$10,000.00.
- d) \$12,000.00.

28. Which of the following statements is correct?

- a) State cannot be a creditor.
- b) State cannot be a debtor.
- c) State cannot be a garnishee.
- d) none of the above.

29. An employee fired solely due to an income execution may sue for up to ___ weeks wages.

- a) 2.
- b) 4.
- c) 6.
- d) 8.

30. How many copies of the Note of Issue must be filed with the clerk?

- a) 1.

- b) 2.
- c) 3.
- d) 4.

31. Liens on property expire after ___ years, unless renewed.

- a) 5.
- b) 10.
- c) 15.
- d) 20.

32. Unless the Court grants additional challenges, the maximum number of peremptories ever allowed to the Plaintiffs' side is:

- a) 2.
- b) 3.
- c) 4.
- d) 5.

33. A debtor's principal residence has a "homestead" exemption from money judgments, up to ___ above any liens.

- a) \$25,000.00.
- b) \$50,000.00.
- c) \$75,000.00.
- d) \$100,000.00.

34. Discovery in a medical malpractice case must be completed within ___ of the pre-calendar conference.

- a) 90 days.
- b) 6 months.
- c) 12 months.
- d) 18 months.

35. A child support obligor supporting another family, and owing 8 weeks arrears, shall be liable for ___ percentage of disposable income.

- a) 50.
- b) 55.
- c) 60.
- d) 65.

36. Referee's decision is due within ___ days of final submission.

- a) 15.

- b) 20.
- c) 30.
- d) 60.

37. How much a percentage of an individual's wages are exempt from application against a money judgment?

- a) 10.
- b) 20.
- c) 80.
- d) 90.

38. A case can be calendared following joinder of issue, or else ___ days after completed service.

- a) 10.
- b) 20.
- c) 30.
- d) 40.

39. A judgment is entered when it is:

- a) signed by a judge, and sealed.
- b) served on a party, and returned with proof of service.
- c) signed by a clerk, and filed.
- d) certified, and recorded in the County Clerk's office.

40. Income executions on the State commence after:

- a) 10 days, and payment of a \$2 processing fee.
- b) 10 days, and payment of a \$3 processing fee.
- c) 15 days, and payment of a \$2 processing fee.
- d) 15 days, and payment of a \$3 processing fee.

41. When a money judgment is recovered on behalf of an incarcerated person, no payment shall be made until ___ have elapsed since the Crime Victims Board was notified.

- a) 20.
- b) 30.
- c) 60.
- d) 90.

42. Executions of the Supreme Court shall be returned by the Sheriff within ___ days.

- a) 30.

- b) 40.
- c) 60.
- d) 90.

43. If a jury trial is not requested in the Note of Issue, another party may demand one within ___ days.

- a) 5.
- b) 10.
- c) 15.
- d) 20.

44. The creditor's attorney may file a satisfaction piece, as long as no more than ___ years have elapsed since judgment.

- a) 2.
- b) 5.
- c) 10.
- d) 20.

45. Printed notices of a sheriff's sale of real property shall be posted at least ___ days in advance.

- a) 6.
- b) 45.
- c) 56.
- d) 63.

46. If the Plaintiff and Defendant each elect to make both opening and closing statements, what is the correct order?

- a) Defendant, Plaintiff; Plaintiff, Defendant.
- b) Defendant, Plaintiff; Defendant, Plaintiff.
- c) Plaintiff, Defendant; Defendant, Plaintiff.
- d) Plaintiff, Defendant; Plaintiff, Defendant.

47. The sheriff must file a return on a City Civil Court execution within ___ days.

- a) 20.
- b) 30.
- c) 60.
- d) 90.

48. The total number of jurors and alternates in a civil case may not exceed:

- a) 6.

- b) 7.
- c) 8.
- d) 9.