

§ 202.50

UNIFORM RULES

OF FACT AND CONCLUSIONS OF LAW" and "JUDGMENT", respectively.

(b) **Approved forms.** The paragraphs contained in Appendix "A-2" of this Part shall be used in the preparation of "FINDINGS OF FACT AND CONCLUSIONS OF LAW", "JUDGMENT", or "REFEREE'S REPORT OF FINDINGS OF FACT AND CONCLUSIONS OF LAW".

§ 202.51. Proof required in dissolution proceedings

In all actions in which the accounts of a receiver appointed in an action for the dissolution of a corporation are presented for settlement or to be passed upon by the court, a notice or a copy of an advertisement requiring the creditors to present their claims to a referee must be mailed, with the postage thereon prepaid, to each creditor whose name appears on the books of the corporation, at least 20 days before the date specified in such notice or advertisement. Proof of such mailing shall be required on the application for a final decree passing the accounts of the receiver unless proof is furnished that personal service of such notice or copy of advertisement has been made upon the creditors.

FORMS

Notice to creditors after dissolution, see West's McKinney's Forms, BCL, § 11:14.

§ 202.52. Deposit of funds by receivers and assignees

(a) Every receiver or assignee who, as such, receives any funds shall promptly deposit them in a checking account or in an interest-bearing account, as determined by the court, in a bank or trust company designated by the court. Such account shall be in his or her name as receiver or assignee and shall show the name of the case. The depository shall furnish monthly statements to the receiver or assignee and to the attorney for the receiver or the assignee.

(b) No funds shall be withdrawn from a receiver's or assignee's account, and no check thereon shall be honored, unless directed by court order or the check is countersigned by the receiver's or assignee's surety.

(c) The order appointing a receiver or assignee shall incorporate subdivisions (a) and (b) of this section.

(d) All checks by a receiver or assignee for the withdrawal of moneys shall be numbered consecutively. On the stub of each check shall be noted the number, the date, the payee's name and the purpose for which the check is drawn. Checkbooks, stubs, cancelled checks and bank statements of such bank accounts shall be maintained at the office of the

receiver or assignee or his or her attorney and shall be available for inspection by creditors or parties during business hours.

(e) **Receivers shall file with the court an accounting at least once each year.** An application by a receiver for final settlement of his or her account or by an assignee for leave to sell assets shall include a county clerk's certificate stating the date that the bond of the applicant was filed, that it is still on file and that no order has been entered cancelling the bond or discharging the surety thereon.

FORMS

Order appointing temporary receiver, see West's McKinney's Forms, BCL, § 12:15.

§ 202.53. Trust accountings; procedure

(a) Applications by trustees for interlocutory or final judgments or final orders in trust accountings or to terminate trusts shall be by notice of petition or order to show cause after the account has been filed in the county clerk's office.

(b) In all actions involving an accounting of a testamentary trustee or a trustee under a deed, notice must be given to the State Tax Commission before the accounts of such trustees may be approved.

(c) Where all parties file a written consent to the entry of a judgment or order, it may be presented at a motion part for consideration by the court.

§ 202.54. [Reserved]

§ 202.55. Procedure for perfection of civil appeals to the county court

(a) Within 20 days after the papers described in section 1704 of the Uniform Justice Court Act or section 1704 of the Uniform City Court Act have been filed with the county court, appellants shall notice the appeal for the next term or special term of county court by filing with the clerk of the county court, not less than 14 days prior to the date for which the appeal has been noticed, a notice of argument and a brief or statement of contentions with proof of service of a copy of each upon respondent. Respondent's papers shall be filed with the judge of the county court within 12 days after service of appellant's brief or statement of contentions, with proof of service of a copy upon appellant.

(b) If appellant does not comply herewith, the county court may, upon respondent's motion or upon its own motion, dismiss the appeal.

(c) Upon motion, the county court judge hearing the appeal may for good cause shown extend the time to a subsequent term or special term, in which case the appellant must notice the appeal for such

subsequent court, appealment. Motion decision is days after of the order notice of its

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NOTICE T

Malpractice Calendar N (if any)

Index No.

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