

STATE OF NEW YORK, COUNTY OF XXXXX JUSTICE COURT

In the matter of the Petition of:

THE [impounding organization (*lead humane organization*)]

against

[*Defendant*] to post security for the cost of providing animal care under Article 26 Agriculture and Markets Law, Section 373, sub-division 6.

[*Name of applicant*] being duly sworn deposes and says, I am the founder/director/manager of the [*impounding organization*] in XXXXXX, NY (hereinafter the [*short name for impounding organization*]).

On XXXX, the XXXX Police caused the seizure of [*specify the types and numbers of animals*] from the possession of one [*defendant's name*] from a location where they were being housed at [ *location of property*].

These animals were seized and impounded pursuant to the provisions of Section 373 for a violation of Section 353 of Article 26 of the Agriculture and Markets Law against [*defendant's name*] for failure to provide proper sustenance and other violations of said article. The [*name of impounding organization*] is an "impounding organization" within the meaning of Sub-division 6 of Section 373 of the Agriculture and Markets Law.

This sub-division provides that the person who has been arraigned on the charges may be required to post security in an amount sufficient to secure payment for all reasonable expenses expected to be incurred by the impounding organization in caring for the animals for at least 30 days and until the disposition of the criminal charge(s). This section affords the Court the power to fix the amount of said security based on the factor of cost and the recommendation of the [*name of impounding organization*] as the impounding organization. The [*name of impounding organization*] at this time recommends the dollar amount of the security to be in the amount of \$XXXXX. The amount reflects the cost incurred by the [*name of impounding organization*] for housing and caring for the animals for 30 days (as well as one-time charges). Affixed is a summary explanation of the estimated costs.

The statute further requires that a hearing be set on this petition within ten days of its filing and the petitioner requests that this Court fix the time of the hearing on this application. It is intended that a copy of this petition and the Order to show cause annexed is to be served upon the Defendant at the time of her arraignment and upon the District Attorney (373 A&M 6 (b.1)).

Under sub-division 2 of said sub-division, upon the Court ordering the posting of security, if the Defendant fails to file the security in the Court within five (5) business days, then this Court may order the immediate forfeiture of the animals to the [*lead humane organization*].

Petition procession by order to show cause in order that the Defendant and the District Attorney may be notified.

This statute does not specify the type of security required. It is requested that the bond be posted in cash with leave to renew or increase the bond if time demands it.

WHEREFORE petitioner requests the annexed Order to show cause be granted and served, together with such other and further relief as the Court deems just and proper.

\_\_\_\_\_ DATED: \_\_\_\_\_  
XXXXXXXXXX  
Founder / Director / Manager of -- [*name of impounding organization*]

On XXXX \_\_\_\_, 200X came [*applicant*] to be known to be the person described herein and who executed the foregoing instrument. Such person duly swore to such instrument before me and duly acknowledged that she executed the same.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK, TOWN OF XXXXX JUSTICE COURT  
In the matter of the Petition of:

THE [*impounding organization (lead humane organization)*]

against

[*Defendant*]

To post a security for the cost of providing animal care under Section 373,  
Sub-division 6, of Article 26 of the Agriculture and Markets Law.

Upon the pleadings and proceedings heretofore filed and upon reading and filing the annexed petition of the [*name of impounding organization*] by [*applicant*] Founder / Director / Manager, let the defendant [*defendant's name*] show cause at a term of this court to be held in the Justice Court of the Town/Village/City of XXXXX in the Town/Village/City of XXXXXX on the \_\_\_\_ day of \_\_\_\_\_ 200X at \_\_\_\_ o'clock in the am/pm of that day or as soon thereafter as counsel can be heard, why an order should not be made requiring that the defendant [*defendant's name*] post security under Section 373, subdivision 6, of Article 26 of the Agriculture and Markets Law, for an amount sufficient to secure payment for all reasonable expenses expected to be incurred by the said [*name of impounding organization*] in caring and providing for the seized animals set forth in the petition for at least 30 days, pending the disposition of charges now pending against the said defendant, with the amount of the security to be determined by the Court upon the recommendation of the [*name of impounding organization*] which now has custody and care of the seized animals, with the authority of the [*name of impounding organization*] to draw upon the security for the actual reasonable cost by said [*name of impounding organization*] in caring for the seized animals.

Sufficient reason appearing therefore, let service of a copy of this Order to Show Cause together with copies of the papers upon which it is granted on said [*defendant's name*] on or before the \_\_\_\_ day of \_\_\_\_\_, 200X be deemed sufficient.

Signed this \_\_\_\_ day of \_\_\_\_\_, 200X at XXXXX, New York.

\_\_\_\_\_  
Honorable Judge XXXXX  
Justice Court of XXXX, New York