

STATE OF NEW YORK, TOWN OF MAPLETOWN JUSTICE COURT

In the matter of the Petition of

THE TOWN OF MAPLETOWN DOG SHELTER

against

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

State of New York  
County of Ulster

Jamie Pierce being duly sworn deposes and says, I am the manager of the Town of Mapletown Dog Shelter in Weston, NY (hereinafter the Shelter).

On December 31, 2003, the Town of Mapletown Police caused the seizure under warrant of eighteen dogs, twenty cats, two hamsters, two turtles, seven guinea pigs, and one parakeet from the possession of one Joan Smithland from the location where they were being housed on the property of Joan Smithland at 21 Pony Run Road, Mapletown, NY, in the Town of Mapletown.

These animals were seized under a Court Order, which alleges a violation against Joan Smithland of Section 353 of Article 26 of the Agriculture and Markets Law for failure to provide proper sustenance and other violations of said section. The Shelter 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 against whom the charges are brought 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 Shelter as the impounding organization. The Shelter at this time recommends the dollar amount of the security to be in the amount of \$5,595. The amount reflects the costs incurred by the Shelter to cover the costs (including one-time charges) incurred by the agencies, which under the auspices of the Shelter, are providing housing and care for the animals for 30 days. Affixed is an explanation of the 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 upon her arraignment and upon the District Attorney (373 A&M 6 (b.1)) who may order the immediate forfeiture of the animals to the Shelter, if after a proper Order is made and the person fails to post the required security. 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 upon proper application, this Court may order the immediate forfeiture of the animals to the Shelter.

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: \_\_\_\_\_

\_\_\_\_\_  
Jamie Pierce  
Manager, Mapletown Dog Shelter

On January \_\_\_\_, 2004 came Jamie Pierce to be known to the person 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 he executed the same.

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