

Please fill in the underlined spaces on the following form with answers appropriate to your motion. Motions are returnable in this Court on a Monday (or if a Monday falls on a holiday, on the next business day). You must give 13 days' notice (prior to the return date) if you serve your adversary (or adversaries) by mail or 8 days' notice if you use personal service. Return the original motion papers to this office, serve your adversary (or adversaries) with one copy, and provide this office with proof of service. You should attach to your papers a copy of your notice of appeal, a copy of the order or judgment appealed from, and a copy of the written decision upon which the order or judgment was based.

STATE OF NEW YORK SUPREME COURT

APPELLATE DIVISION THIRD DEPARTMENT

_____,

MOTION FOR

-vs-

Case No. _____

_____,

PLEASE TAKE NOTICE, that upon the annexed affidavit, sworn to the _____ day of _____, 20____ a motion will be made at a term of this Court to be held in the City of Albany, New York, on the _____ day of _____, 20____, for an order (specify relief which you seek) _____

Dated: _____

(Signature) _____

(Print Name) _____

(Address) _____

(Telephone) _____

AFFIDAVIT IN SUPPORT OF MOTION

STATE OF NEW YORK

COUNTY OF _____ ss.:

_____, being duly sworn, deposes and says:

1. I am the _____ in the above-entitled action.

I have appealed to the Appellate Division from an order or judgment of the _____

Court of _____ County, dated _____.

(Specify the status of the appeal)

2. By this motion I seek the following relief: _____

3. The grounds for the motion and reasons the relief should be granted are (attach additional documentation, if necessary): _____

(Signature) _____

(Print Name) _____

Sworn to before me this _____

day of _____.

Notary Public

AFFIDAVIT OF SERVICE OF MAILING

STATE OF NEW YORK)

COUNTY OF _____) ss.:

_____, being duly sworn, deposes and says:

On the _____ day of _____, 20____, I served a true copy of the annexed notice of motion and supporting affidavit by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known addressee(s) as indicated below:¹

(Signature) _____

(Print Name) _____

Sworn to before me this _____

day of _____.

Notary Public

¹ Insert name(s) and address(es) of the person(s) to whom you are mailing the papers being filed with this court.