

Civil Court of the City of New York

COUNTY OF \_\_\_\_\_

[PLEASE PRESS HARD]

Index No. \_\_\_\_\_

AFFIDAVIT IN SUPPORT OF ORDER TO SHOW CAUSE

To Vacate a Judgment and to Restore to the Calendar

Claimant(s)/Plaintiff(s).

against

Defendant(s),

Address: \_\_\_\_\_

State of New York, County of \_\_\_\_\_ ss.:

\_\_\_\_\_ being duly sworn, deposes and says:

Defendant's Initials

1. \_\_\_\_\_ a) I am the party named as defendant in the above entitled action.

PARTY

2. \_\_\_\_\_ a) I have been served with a summons and complaint in this action [NOTE: If Small Claims skip #3, go to #4.]
b) I have not been served, and my first notice of legal action was [NOTE: If you complete any of #2b, skip #3, #4 & #5, go to #6].

SERVICE

\_\_\_\_\_ a notice of Default Judgment mailed to me.
\_\_\_\_\_ a Restraining Notice on my bank account.
\_\_\_\_\_ a copy of an Income Execution served on
Other: \_\_\_\_\_

3. \_\_\_\_\_ a) I did not appear and answer in the Clerk's Office because: [NOTE: If you complete #3a, skip to #6.]

APPEAR- ANCE

b) I did appear and answer in the Clerk's Office
\_\_\_\_\_ and I received a date for trial.
\_\_\_\_\_ but the answer was entered late.
Other: \_\_\_\_\_

4. \_\_\_\_\_ On the Date of Trial before Judge/Arbitrator
\_\_\_\_\_ a stipulation (a written agreement) was made between claimant/plaintiff and defendant.

TRIAL

\_\_\_\_\_ a judgment was entered after the trial.
\_\_\_\_\_ a judgment was entered against me by default for my failure to appear.
Other: \_\_\_\_\_

5. \_\_\_\_\_ My reason for not
\_\_\_\_\_ complying with the stipulation is
\_\_\_\_\_ following the order of the Court is
\_\_\_\_\_ appearing in court on the date scheduled for trial is

EXCUSE

Other: \_\_\_\_\_

6. \_\_\_\_\_ I allege that I have a good defense because: \_\_\_\_\_

DEFENSE

7. \_\_\_\_\_ a) I have not had a previous Order to Show Cause regarding this index number.

\_\_\_\_\_ b) I have had a previous Order to Show Cause regarding this index number but I am making this further application because \_\_\_\_\_

PRIOR

8. \_\_\_\_\_ I request that the Judgment be vacated, that the case be restored to the calendar, and permission to serve these papers in person.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

(Signature of Defendant)

(Signature of Court Employee and Title)