

Civil Court of the City of New York

COUNTY OF _____

[PLEASE PRESS HARD]

Index No. _____

AFFIRMATION 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.:

_____ hereby affirms, 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.

I affirm this ____ day of _____, 20____, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Printed Name: _____ Signature: _____