

_____ COURT COUNTY OF _____ Part: _____

Plaintiff(s)

-against-

Defendant(s)

Defendant
Address: _____

**AFFIDAVIT IN SUPPORT OF
ORDER TO SHOW CAUSE**

To Vacate a Default Judgment for failure to appear and answer and to file an answer or dismiss the case

Index Number: _____

State of New York, County of _____ ss.:

_____, being duly sworn, deposes and says (check all statements that apply to you):

1. PARTY

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

2. SERVICE

a) I **was not** served in the right way as required by the law with a summons and complaint in this action.

b) I **was not** served a summons and complaint, and my first notice of legal action was

a notice from the Clerk's office.

a notice of Default Judgment mailed to me.

a Restraining Notice on my bank account.

a copy of an Income Execution.

Other: _____

c) I have read the Affidavit of Service, and I disagree with it because: _____

d) I requested the Affidavit of Service from the court, but it was not available.

3. EXCUSABLE DEFAULT (You must tell the Judge the reason(s) why you did not come to court to answer.)

I did not come to court and answer in the Clerk's Office because (check all that apply):

I was sick.

I am disabled.

I had an illness in my family.

I had a death in the family.

I was out of town.

I did not receive the court papers.

I received the court papers too late.

The plaintiff told me not to worry about the case or not to answer.

I was on military duty.

Other: _____

4. DEFENSES (You must tell the Judge the reason(s) why you should not have to pay the money the plaintiff is suing for. Look at the Defense Information Worksheet [see UCS-CC-4] to see what defenses you may have and write them here.)

I have a good defense because:

5. PRIOR APPLICATION

a) I **have not** had an Order to Show Cause before in this case.

b) I **have** had an Order to Show Cause before in this case, but I am making another application because:

6. RELIEF REQUESTED (check all that apply)

I request that the Default Judgment is vacated.

I request that I be allowed to file an answer.

I request permission to serve these papers.

I request that the case is dismissed.

Sworn to before me this _____ day of

_____, 20____.

Notary Public or
Court Employee:

Signature

Signature of Defendant

Title