

At the time I was not represented by an attorney. On _____, I served, via regular
date

mail, a Notice of Appearance upon the Plaintiff's attorneys, (*attach Notice of Appearance*

if applicable) _____ . In addition, on _____ ,
name *date*

I personally filed a copy of the Notice of Appearance with the Supreme Court of New York,
_____ County. I never received any other documents until the Judgment of Divorce.

fill in
(*attach Judgment of Divorce*)

B) I was never served with a Summons with Notice or a Summons and Complaint. I

found out about the divorce action only when I received a copy of the signed Judgment of
Divorce

on _____.(*attach Judgment of Divorce*)
date

C) I received only an Affidavit of Defendant, and was unsure of what I should do. I

was not served with a Summons with Notice or a Summons and Complaint.

D) I was not properly served because:

i) I was served on a Sunday.

ii) The Summons with Notice or Summons and Complaint was handed to
me by the Plaintiff.

iii) The Summons with Notice or Summons and Complaint did not include
an Index Number. Therefore, I was unable to file a Notice of Appearance.

iv) Other:_____.

E) Other reason for not answering: _____

_____.

7. I have a meritorious defense to the action because:

(check applicable boxes)

- A) I have had an Order of Protection against the Plaintiff. *(attach Order of Protection)*.
- B) The Plaintiff left the marital residence/bed on or about _____
date.
- C) The Plaintiff is currently in prison.
- D) I never committed adultery.
- E) I never committed the acts alleged in the Complaint.
- F) The Plaintiff has been having an affair with another person and is currently living with that person.

8. There are assets of this marriage which need to be divided between the parties.

These assets include, but are not limited to:

(check applicable boxes)

- Car
- House
- Plaintiff's pension, 401(k), 457, IRA or other deferred compensation
- Bank account
- Business interest or partnership
- Advanced educational degree or license
- Marital furnishings
- Other: _____
fill in

9. I need maintenance, because:

- I am unable to support myself. *(check if applicable)*
- I am in danger of becoming a public charge. *(check if applicable)*
- I have been left with significant marital debts, which Plaintiff has refused to pay. *(check if applicable)*

10. We have a child(ren) together, who are in my custody. *(check if applicable)*

A) There is a current Family Court Order for Custody/Visitation, issued on _____ by the Family Court of _____ County, which is not
date fill in
 mentioned in the Judgment of Divorce. ***(attach Family Court Order)***

B) I have had custody of the children since _____.
date

11. The current Judgment of Divorce inappropriately awarded child support.

A) There is a current Family Court Order for Child Support, issued on _____ by the Family Court of _____ County, which was not
date fill in (cross out if not applicable)
 mentioned in the Judgment of Divorce. ***(attach Family Court Order)***

12. Attached is my Proposed Verified Answer with Counterclaims. (see **Exhibit A**).

13. No previous application for the relief prayed for has been made.

WHEREFORE, I respectfully request that the Judgment for Divorce be vacated, and that I be granted the relief requested and given an opportunity to serve Plaintiff with the Verified Answer with Counterclaims.

sign your name

**Sworn to before me this _____ day
of _____, 200 _____
(THIS AFFIDAVIT MUST
BE NOTARIZED)**

Print name, address and telephone no.

