



Affirmation in Support of Order to Show Cause

to vacate a Default Judgment for failure to appear and/or failure to answer

UCS-CC-3 (01/2024)

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nycourthelp.gov

_____ Court

County of _____

Plaintiff/Petitioner (persons/entities who started the case):

Index #:

Defendant/Respondent (persons/entities who the case is against):

I state under the penalties of perjury (intentionally making a false statement), which may include a fine or imprisonment, that the following is true [check all that apply]:

1. PARTY

I am named as defendant/respondent in the above case.

2. SERVICE

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

I was not served with a summons and complaint, and my first notice of this case 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: _____

I have read the Affidavit/Affirmation of Service, and I disagree with it because [explain]:

I requested the Affidavit/Affirmation of Service from the court, but it was not available.

3. EXCUSABLE DEFAULT (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** (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 [form UCS-CC-4] to see what defenses you may have and write them here.)

I have a good defense because:

5. **PRIOR APPLICATION**

I have not filed an Order to Show Cause before in this case.

I have filed an Order to Show Cause before in this case, but I am filing another Order to Show Cause because [explain]:

6. **RELIEF REQUESTED** [check all that apply]

I request that the Default Judgment against me is vacated.

I request permission to file an answer.

I request permission to serve these papers.

I request that the case is dismissed.

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.

Signature

Print Name