



Supplemental Affirmation in Support of Order to Show Cause

UCS-CC-5 (01/2024)

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

_____ 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]:

- I am named as defendant/respondent in the above case.
- I am familiar with the facts contained in this affirmation.
- I have filed an Order to Show Cause to vacate a default judgment with the court.
- When I filed the Order to Show Cause, the court’s file was unavailable, and I was unable to review the file, including the plaintiff/petitioner’s affidavit or affirmation of service.
- I have now reviewed the court’s file, including the plaintiff/petitioner’s affidavit or affirmation of service.
- I am supplementing my Affidavit/Affirmation in Support of the Order to Show Cause because I was not served with a summons and complaint in the way required by the law, and therefore, the case against me should be dismissed.

I believe service upon me was not good for the following reasons [check all that apply and add any further information in the Explanation section on page 2]:

Personal Delivery

I am not the person that is described in the affidavit/affirmation of service.

I did not live or work at the address on the affidavit/affirmation of service on the date it says I was served.

The papers were never handed to me by anyone.

Other [explain below]

Substituted Service

I did not live or work at the address on the affidavit/affirmation of service on the date it says I was served.

The person served does not live with me.

The person served does not work for me in my home.

The person served does not work with me.

The person served was too young to accept legal papers. [explain below]

The person served was not able to understand the importance of legal papers. [explain below]

The person served was not suitable for service due to other reasons. [explain below]

The mailing of the papers was not done in the way required by the law. [explain below]

The plaintiff/petitioner did not file the affidavit/affirmation of service in court in the way required by the law. [explain below]

Other [explain below]

Conspicuous Service

I did not live or work at that address on the date the process server says the papers were served. [explain below]

The papers were not taped or otherwise stuck on my door.

The process server’s attempts to make service before the papers were put on my door were not exactly as required by law. [explain below]

The mailing of the papers was not done exactly as required by the law. [explain below]

The filing of the affidavit/affirmation of service in court was not done exactly as required by law. [explain below]

Other [explain below]

EXPLANATION

Explain your answers below. Attach additional pages if necessary. You may also attach any other written proof that supports your answers.

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