

CIVIL COURT OF THE CITY OF NEW YORK

Legal/Statutory Memorandum

Subject: Additional Affidavit required
by Bus. Corp. Law Sec. 306 (b)

Class: LSM-110
Category: GP-20
Eff. Date: Jan. 1, 1991

=====

Please be advised that, based upon an amendment effective January 1, 1991 to CPLR 3215 (f) (4) (i), (ii) and (iii), there is now a requirement that an application for a default (failure to answer) judgment contain an affidavit stating that a corporation which has been served following Business Corporation Law, Section 306(b) was sent an additional copy of the summons and complaint by first class mail at least 20 days prior to the entry of the judgment.

We will require this affidavit on any judgment application which is processed after the first day of January of this year, regardless of when the original summons and complaint were served or filed. To be perfectly clear, an affidavit of the additional mailing must be provided even though the action was begun before the law was amended.

Dated: March 20, 1990

Jacqueline Silbermann
Administrative Judge