

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION, FOURTH DEPARTMENT

(INSERT TITLE OF ACTION ABOVE)

**NOTICE OF MOTION TO
EXTEND TIME TO
PERFECT APPEAL**

) # _____
) (Insert Index Number)

) # _____
) (Insert AD Docket No.)

PLEASE TAKE NOTICE, that upon the annexed affidavit(s), the undersigned will move this Court at a term of the Appellate Division, 50 East Avenue, Rochester, New York, 14604 on the ____ day of _____, 20 ____, for an order granting appellant an extension of time to perfect the appeal herein, and for such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE, that this motion will be submitted without oral argument (see 22 NYCRR 1250.4 [a] [8]). Answering affidavits, if any, must be filed with the Court on or before the Friday preceding the return date.

(Name and address of moving party or attorney)

Dated: _____, 20 ____

TO: _____

(Name and addresses of opposing parties, or attorneys)

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION, FOURTH DEPARTMENT

_____)) **AFFIDAVIT IN SUPPORT**
_____)) **OF MOTION TO EXTEND**
_____)) **TIME TO PERFECT APPEAL**
_____))
_____)) # _____
_____)) (Insert Index Number)
_____))
_____)) # _____
_____)) (Insert AD Docket Number)
_____))

STATE OF NEW YORK
COUNTY OF _____ ss:

_____, being duly sworn, deposes and
says:

1. That I am (select one): appellant counsel for appellant and submit this affidavit in support of a motion for an extension of time to perfect the appeal.

2. That this affidavit is made in support of a motion for an extension of time to perfect the appeal taken herein from an order/judgment of the _____ County (circle one) County Court/Court of Claims/Surrogate's Court/Supreme Court (Hon. _____, J.), entered _____, in which (set forth nature of order) _____

3. A notice of appeal was filed _____, 20__ and was served on all necessary parties on _____, 20_____.

4. That the complete transcript of stenographic and/or audiotaped minutes was filed on _____.

5. That an extension of time to file and serve the records and briefs is being sought for the following reasons: _____

_____.

(If the reason for the delay is that transcripts are missing or have not been filed, list the name[s] of the court reporter[s] and the specific minutes that have not been filed [e.g., fact-finding hearing] and any anticipated filing date).

6. That (select one): no prior extension has been granted by the Court
 the Court previously extended the time to perfect the appeal on _____ (list any and all dates and attach copies of any prior orders of the Court).

WHEREFORE, deponent requests an extension of time to file and serve the records and briefs in this matter to _____ .

Appellant/Counsel for appellant

Sworn to before me this
_____ day of _____, 20 _____

NOTARY PUBLIC/COMMISSIONER OF DEEDS

My commission expires: _____

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION, FOURTH DEPARTMENT

) **AFFIDAVIT OF SERVICE**
) **OF MOTION TO EXTEND**
) **TIME TO PERFECT APPEAL**
)
) # _____
) (Insert Index Number)
)
) # _____
) (Insert AD Docket Number)
)

STATE OF NEW YORK)
COUNTY OF _____) ss.:

_____, being duly sworn, deposes and says that (s)he is not a party to this action, is over 18 years of age, and resides at _____
_____.

That on the ____ day of _____, 20____, your deponent served the within **Motion to Extend Time to Perfect Appeal** by depositing a true copy thereof enclosed in a post-paid wrapper in an official depository under the exclusive care and custody of the U.S. Postal Service within the United States, addressed to each of the following parties and/or their attorneys at the last known address set forth after each name:

(PRINT NAME BELOW SIGNATURE)

Sworn to before me this _____ day of _____, 20____

NOTARY PUBLIC/COMMISSIONER OF DEEDS

My commission expires: _____