

Supreme Court of the State of New York

County of _____

Plaintiff

vs.

Defendant

Mortgaged Premises:

Affirmation

Index No: _____

Please note: As a result of the COVID-19 pandemic, the commencement and prosecution of foreclosure proceedings were stayed under various provisions of law, including but not limited to Governor Cuomo’s Executive Orders 202.8 and 202.28, Chief Administrative Judge Mark’s Administrative Orders AO/68/20, AO/121/20 and AO/127/20, and the federal Coronavirus Aid, Relief, and Economic Security Act of 2020 (Public Law 116-136). This affirmation is designed to advance the purpose of these federal and state directives and to avoid unnecessary in-person appearances of parties and others in courthouses.

_____, Esq., pursuant to CPLR §2106 and under the penalties of perjury, affirms as follows:

1. I am an attorney duly licensed to practice in the State of New York and am affiliated with the law firm of _____, attorneys for Plaintiff(s) in the above-captioned foreclosure proceeding. As such, I am fully aware of the underlying action as well as the proceedings had herein.
2. I am aware that, as a result of the COVID-19 pandemic, various state and federal authorities have issued statutes and executive orders regulating the time and manner of commencement and prosecution of foreclosure proceedings. These include (without limitation), gubernatorial Executive Orders 202.8 (March 20, 2020), 202.14 (April 7, 2020), 202.28 (May 7, 2020), and 202.38 (June 6, 2020); Chief Administrative Judge Administrative Orders AO/68/20 (March 16, 2020), AO/121/20 (June 9, 2020), and AO/127/20 (June 18, 2020), and federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act, enacted on March 27, 2020), Department of Veterans Affairs Circular 26-20-22 (June 17, 2020), and Department of Housing and Urban Development Mortgagee Letter 2020-19 (June 17, 2020).
3. I have reviewed these authorities, have consulted with my client, and affirm that, to the best of my knowledge, information, and belief, the complaint and other papers filed or submitted to the Court in this matter comport with the requirements of those state and federal directives – including the directive, set forth in Executive Order 202.28, that “[t]here shall be no initiation of a proceeding or enforcement of... a foreclosure of any residential or commercial mortgage, owned... by someone that is eligible for unemployment insurance or benefits under state or federal law or otherwise facing financial hardship due to the COVID-19 pandemic for a period of sixty days beginning on June 20, 2020.”
4. I am aware of my obligations under New York Rules of Professional Conduct (22 NYCRR Part 1200) and 22 NYCRR Part 130.

Dated: _____

Attorney Signature

Please note: Counsel may augment this affirmation to provide explanatory details and may file supplemental affirmations or affidavits for the same purpose.