

District Court/ (1) \_\_\_\_\_ District  
County of (2) \_\_\_\_\_

**Petitioner:**  
(4) \_\_\_\_\_

**Respondent:**  
(5) \_\_\_\_\_

**Index #: (3)** \_\_\_\_\_

**ORDER TO SHOW CAUSE  
VACATE A DEFAULT**

Upon the affidavit of \_\_\_\_\_, sworn to on the \_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_, and upon all prior papers and proceedings,

Let the petitioner show cause at a Motion Term of this Court to be held at the District Court  
located at \_\_\_\_\_ [insert court address]  
on the, [do not fill in date/time as the court clerk will do so] \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at 9:30  
AM or as soon thereafter as the parties can be heard, why an order should not be entered vacating the  
default on appearance date and/or the judgment granted in favor of the petitioner and setting the matter  
down for trial, and why the defendant should not have such other and further relief as may be just and  
proper.

Sufficient reason being presented for the relief requested it is,

ORDERED, that pending the hearing of this motion, the Sheriff and the petitioner and all  
petitioner's agents are stayed from conducting any proceedings to enforce the judgment, and further it is

ORDERED, that the respondent serve a copy of this order on the petitioner, or petitioner's  
attorney if one has been retained, at

\_\_\_\_\_, and the **Sheriff of Suffolk  
County located at 360 Yaphank Avenue, Yaphank, New York 11980** by certified mail, return receipt  
requested by the [do not fill in date/time as the court clerk will do so] \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

All papers the petitioner desires to submit in opposition to the respondent's motion must be  
forwarded to the court prior to the hearing date. No personal appearance is required and no oral  
statements will be considered.

Order signed at \_\_\_\_\_, N.Y.

Date \_\_\_\_\_

Enter,

\_\_\_\_\_  
District Court Judge

**THIS ORDER TOGETHER WITH PROOF OF  
SERVICE MUST BE RETURNED TO THE  
CLERK'S OFFICE BY \_\_\_\_\_**

District Court/ (1) \_\_\_\_\_ District  
County of (2) \_\_\_\_\_

**Petitioner:**  
(4) \_\_\_\_\_

**Respondent:**  
(5) \_\_\_\_\_

**Index #: (3)** \_\_\_\_\_

**AFFIDAVIT TO VACATE  
DEFAULT**

STATE OF NEW YORK

COUNTY OF SUFFOLK SS.:

\_\_\_\_\_, being duly sworn, deposes and says:

1. I am the Respondent in the above entitled action.
2. I reside at \_\_\_\_\_.
3. This is an action for \_\_\_\_\_.
4. On \_\_\_\_\_, \_\_\_\_\_, a default judgement was entered by this court.
5. I did not appear/answer because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
6. I have a meritorious defense; specifically *[state the facts which support your defense in as much detail as possible and attach any supporting documentation]* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
7. No previous application for this relief has been made.

WHEREFORE, deponent respectfully requests an ORDER vacating the Judgement entered on \_\_\_\_\_, \_\_\_\_\_, or such further relief as may be just and proper.

*Sign in the presence of a Notary Public or Court Clerk* ➡ \_\_\_\_\_

*Print name* ➡ \_\_\_\_\_, Defendant

Sworn to before me

this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public – Court Clerk