

APPELLATE TERM OF THE SUPREME COURT
APPELLATE TERMS: 2ND, 11TH & 13TH and 9TH & 10TH JUDICIAL DISTRICTS

Appellate Term
Docket # _____

Lower Court Index #

v.

NOTICE OF MOTION

Please take notice that upon the annexed affirmation of _____ dated the ____ day of _____, 20__ the _____ will move this Court at a term thereof to be held at the Courthouse of the Appellate Term of the Supreme Court, 2nd, 11th, & 13th or 9th & 10th Judicial Districts, at 141 Livingston Street, 15th Floor, Brooklyn, New York 11201, on or before the ____ day of _____, 20__:

- to dismiss the appeal for lack of prosecution.
- to dismiss the appeal as untimely.
- to vacate the order of this court dated _____ dismissing the appeal.
- for leave to reargue, or in the alternative, leave to appeal to the Appellate Division, Second Department from an Order of this court dated _____.
- to enlarge the time to perfect the appeal.
- to enlarge the time to serve and file the respondent's brief.
- to enlarge the time to serve and file the reply brief.
- other: _____.

Yours,

(sign your name)

PRINT

Your Name _____
Your Address _____
City, State and Zip Code _____
Telephone Number _____

TO: NAME OF OPPONENT OR ATTORNEY (if opponent is represented by an attorney)

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE TERMS: 2ND, 11TH & 13TH and 9TH & 10TH JUDICIAL DISTRICTS

Appellate Term
Docket # _____

Lower Court Index #

v.

**AFFIRMATION IN SUPPORT OF
MOTION**

State of New York)
County of _____) s.s.:

I, _____, affirm that:

1. I am the _____ in the above entitled proceeding and make this affirmation in support of the motion to/for _____.

2. The type of the above entitled proceeding is as follows:

<input type="checkbox"/> Landlord & Tenant (non-payment)	<input type="checkbox"/> Criminal
<input type="checkbox"/> Landlord & Tenant (holdover)	<input type="checkbox"/> Traffic Violation
<input type="checkbox"/> Small Claims	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Civil	

My grounds or reasons are as follows: **

** if you are moving to vacate a dismissal of your appeal, you must set forth: 1) a reasonable excuse for your default; AND 2) how your appeal has merit.

3. _____

4. _____

5. _____

6. _____

7. No previous application has been made for this relief requested herein except:
(If any application has been made, it must be described below.)

WHEREFORE, I request that the court grant me the following relief:

Dated: _____, 20____

_____, New York

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 OF THE PERSON MAKING THE MOTION)

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE TERMS: 2ND, 11TH & 13TH AND 9TH & 10TH JUDICIAL DISTRICTS

AFFIRMATION OF SERVICE

Appellate Term Docket Number #

Lower Court Index Number #

-against-

State of New York _____)

County of _____) s.s.:

_____, affirms that:

1. The affirmant is NOT a party to the action, is 18 years of age or older and resides at: _____

2. On the _____ day of _____, 20____, the affirmant served one copy of the following described paper upon the person or persons listed in paragraph 4 hereof:

Motion for/to _____

3. The method of service on each of said persons was:

- By delivering the paper(s) to the person personally pursuant to CPLR 2103(b)(1).
- By mailing the paper(s) to the person at the address designated by them for that purpose by depositing the same in a first class, postpaid, properly addressed wrapper, in a post office or official depository under the exclusive care and custody of the United States Postal Service within the State of New York pursuant to CPLR 2103(b)(2).
- Where the person served is an attorney, by leaving the paper(s) with the person in charge of the office of that attorney, pursuant to CPLR 2103(b)(3).
- By dispatching the paper(s) to the person by overnight delivery service at the address designated by the person for that purpose, pursuant to CPLR 2103(b)(6).
- Other:

4. The name of the person or names of the persons served and the address or addresses at which service was made are as follow: _____

Dated: _____, 20____
_____, New York

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 OF PERSON SERVING PAPERS)