

Please fill in the underlined spaces on the following form with answers appropriate to your motion. Motions are returnable in this Court on a Monday (or if a Monday falls on a holiday, on the next business day). You must give 13 days' notice (prior to the return date) if you serve your adversary (or adversaries) by mail or 8 days' notice if you use personal service. Return the original motion papers to this office, serve your adversary (or adversaries) with one copy, and provide this office with proof of service. You should attach to your papers a copy of your notice of appeal, a copy of the order or judgment appealed from, and a copy of the written decision upon which the order or judgment was based.

STATE OF NEW YORK  
APPELLATE DIVISION

SUPREME COURT  
THIRD DEPARTMENT

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\_\_\_\_\_,'

\_\_\_\_\_,'

MOTION FOR

- vs -

Case No. \_\_\_\_\_

\_\_\_\_\_,'

\_\_\_\_\_.'

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PLEASE TAKE NOTICE, that upon the annexed affidavit, sworn to the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_ a motion will be made at a term of this Court to be held in the City of Albany, New York, on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, for an order (*specify relief which you seek*) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

Dated: \_\_\_\_\_

(Signature) \_\_\_\_\_

(Print Name) \_\_\_\_\_

(Address) \_\_\_\_\_

(Telephone) \_\_\_\_\_

**AFFIDAVIT IN SUPPORT OF MOTION**

STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_ ss.:

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

1. I am the \_\_\_\_\_ in the above-entitled  
action. I have appealed to the Appellate Division from an order or  
judgment of the \_\_\_\_\_ Court of \_\_\_\_\_ County,  
dated \_\_\_\_\_. (*Specify the status of the appeal*)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

2. By this motion I seek the following relief: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

3. The grounds for the motion and reasons the relief should  
be granted are (*attach additional documentation, if necessary*): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(Signature) \_\_\_\_\_

(Print Name) \_\_\_\_\_

Sworn to before me this \_\_\_\_  
day of \_\_\_\_\_.

\_\_\_\_\_  
*Notary Public*



**AFFIDAVIT OF SERVICE OF MAILING**

**STATE OF NEW YORK** )  
**COUNTY OF \_\_\_\_\_** ) **SS.:**

\_\_\_\_\_, being duly sworn,  
says: On the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
I served a true copy of the annexed notice of motion and supporting  
affidavit by mailing the same in a sealed envelope, with postage  
prepaid thereon, in a post-office or official depository of the  
U.S. Postal Service within the State of New York, addressed to the  
last known addressee(s) as indicated below:<sup>1</sup>

(Signature) \_\_\_\_\_

(Print Name) \_\_\_\_\_

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
<sup>1</sup>Insert name(s) and address(es) of the person(s) to whom you  
are mailing the papers being filed with this court.