

Supreme Court of the State of New York
Appellate Division: Second Department

**NOTICE OF
MOTION**

**Appellate Division
Docket No.**

Please take notice that upon the annexed affidavit of _____,
dated _____, _____, and the papers annexed thereto, the undersigned will move this
court, at the courthouse, thereof located at 45 Monroe Place, Brooklyn, New York, 11201, on the
_____ day of _____, _____, at 9:30 in the forenoon of that date, or as soon thereafter as
counsel may be heard, for an order granting the following relief:

- 1.
- 2.
- 3.
- 4.
5. Such other and further relief as the court may seem just and equitable.

Dated: _____, New York
_____, _____, _____

Yours,

To:

INSTRUCTION FOR NOTICE OF MOTION

1. Insert the title of the action or proceeding as it appears on the summons or petition initiating the case. You need only list the first named plaintiff or petitioner and defendant or respondent.
2. Insert the Appellate Division Docket Number.
3. Insert your name and the date of the Affidavit.
4. Insert the return date of the motion. Motions are returnable on Fridays.

If you serve these papers by mail, write in the first Friday, 13 days after you mail your papers to counsel for each adversary. If you serve the papers personally, the return date will be the first Friday, eight days after you deliver the papers.

5. Specify the relief you are seeking.
6. Insert the county where you are preparing the motion and the date of preparation.
7. Insert your name, address and telephone number.
8. Insert the names, addresses and telephone numbers of the attorney representing the other parties or the parties themselves, if they are not represented by an attorney.

The motion must include an affidavit by you setting forth the background facts and stating the reasons why you believe the relief should be granted.

Include a copy of the Notice of Appeal and paper appealed from as exhibits.

Include any other exhibits you deem important for the Court to consider.

Include an affidavit of service; A written statement sworn to before a notary public that you served a copy of your motion papers on the attorney for each adversary.

Include a self addressed stamped envelope.

There is no appearance on the return date—Do not come to the courthouse.

The Filing fee for the motion is \$45.00.