

Civil Court of the City of New York
County of Kings, Housing Part

Page 1 Date: [] [] []

yyyy mm dd

Index No. LT []

**Tenant's Affidavit in Support of an
 Order to Show Cause to Vacate a Judgment
 Based on a) Failure to Appear, b) Failure to Comply
 and
 To Restore to the Calendar**

Petitioner-Landlord

against

Respondent-Tenant(s)

Address:

Apt:

Brooklyn, NY

ZIP

State of New York, County of Kings, ss:

Name I, [] being duly sworn, deposes and says:

1. Party

a) I am a tenant named as a respondent in the above-named proceedings.

b) I am a person claiming possession to these premises

and I am the [] of a tenant named above

2. Service and Answer

I - or another named tenant - received the Notice of Petition and Petition in this proceedings, filed and answer in the Clerk's Office and received a date for trial

I received a Holdover Notice of Petition and Petition and the date had already passed

3. Excuse

On the date of the Trial or Resolution before Judge [], a Judgment was entered against me by default for my failure to appear.

My reason for not appearing in Court on the date scheduled for Trial or Resolution is:

b) A Judgment was entered [] after trial [] after stipulation

but [] I [] the Landlord failed to comply with the Order of the Court because:

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4. I allege that I have a good defense because:

Defense

- | | | | |
|--------------------------|---|--------------------------|--|
| <input type="checkbox"/> | I was improperly served | <input type="checkbox"/> | petitioner is not the owner |
| <input type="checkbox"/> | the amount being claimed is incorrect | <input type="checkbox"/> | no rent was demanded |
| <input type="checkbox"/> | there is credit due for rent overcharge | <input type="checkbox"/> | the rent has been partially/fully paid |
| <input type="checkbox"/> | the rent has been offered but refused | <input type="checkbox"/> | I have been harassed |
| <input type="checkbox"/> | there are conditions in the apartment which need repair, or services which have not been provided | | |

- | | | | |
|--------------------------|------------------|--------------------------|---------------------------|
| <input type="checkbox"/> | heat | <input type="checkbox"/> | health and safety |
| <input type="checkbox"/> | hot water | <input type="checkbox"/> | other sanitary conditions |
| <input type="checkbox"/> | electrical | <input type="checkbox"/> | pests & vermin |
| <input type="checkbox"/> | oven / stove | <input type="checkbox"/> | plumbing |
| <input type="checkbox"/> | refrigerator | <input type="checkbox"/> | walls |
| <input type="checkbox"/> | security | <input type="checkbox"/> | garbage |
| <input type="checkbox"/> | doors / windows | <input type="checkbox"/> | recycling |
| <input type="checkbox"/> | other - describe | | |

Explain rent payments, if any, or other defense:

5. Request

I request that the Judgment be vacated, that the case be restored to the calendar, and that I be granted permission to serve these papers in person

6. Prior Order

I have not had a previous Order to Show Cause regarding this index number

I have had a previous Order to Show Cause regarding this index number, but I am making this further application because:

Sworn to me this

day of

20

Signature of Tenant / Respondent

Signature of Court Employee and Title

Note: Additional information relating to this form, including electronic copies, is available at <http://housing-court-of-kings.net>

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Continuation of: Excuse Defense Request Other

Large empty rectangular area for text entry, bounded by a dotted line.

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Tenant's Initials