

STATE OF NEW YORK

SUPREME COURT

COUNTY OF \_\_\_\_\_

**CREDITOR**

\_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_,

*Plaintiff,*

-vs-

**DEBTOR d/b/a**

\_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_,

*Defendant.*

**SUMMONS**

Index No. \_\_\_\_\_

Date Filed: \_\_\_\_\_

**TO THE ABOVE-NAMED DEFENDANT:**

**YOU ARE HEREBY SUMMONED** and required to submit to plaintiff's attorney your answering papers on this motion within the time provided in the notice of motion annexed hereto. In case of your failure to submit answering papers, summary judgment will be taken against you by default for the relief demanded in the notice of motion.

The basis of the venue designated is \_\_\_\_\_ County, New York, as it is the county of residence of the defendant.

DATED: \_\_\_\_\_, 20\_\_\_\_

LAW FIRM

By: \_\_\_\_\_

(PRINT) \_\_\_\_\_

*Attorneys for Plaintiff*

\_\_\_\_\_

\_\_\_\_\_, NY \_\_\_\_\_

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

STATE OF NEW YORK  
SUPREME COURT COURT OF \_\_\_\_\_

**CREDITOR,**

*Plaintiff*

~vs~

**DEBTOR d/b/a,**

*Defendant,*

**NOTICE OF MOTION FOR  
SUMMARY JUDGMENT IN  
LIEU OF COMPLAINT**

Index No. \_\_\_\_\_

Upon the summons, dated \_\_\_\_\_, 20\_\_\_\_, and the affidavit of \_\_\_\_\_ sworn to on \_\_\_\_\_, 20\_\_\_\_, the plaintiff will move this Court, at an IAS Term, Part \_\_\_\_\_, at the Courthouse, \_\_\_\_\_, \_\_\_\_\_, New York \_\_\_\_\_, on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ in the \_\_\_\_\_ noon, or as soon as counsel may be heard, for an order directing the entry of judgment for the plaintiff and against the defendant in the amount of \_\_\_\_\_ and \_\_\_/100 Dollars (\$\_\_\_\_\_), with interest thereon at \_\_\_% from \_\_\_\_\_, 20\_\_\_\_, and for such other and further relief as to the court may seem just and proper, plus the costs of this motion, upon the ground that this action is based upon a sister state judgment which is unsatisfied.

Take further notice that all answering papers shall be served on the undersigned on or before the 10<sup>th</sup> day after personal delivery of the summons to you.

DATED: \_\_\_\_\_, 2007

LAW FIRM

By: \_\_\_\_\_

(PRINT NAME) \_\_\_\_\_

*Attorneys for Plaintiff*

**CREDITOR**

Office and Post Office Address

\_\_\_\_\_, New York \_\_\_\_\_

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

STATE OF NEW YORK  
SUPREME COURT COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
**CREDITOR,**

*Plaintiff,*

~vs~

**DEBTOR d/b/a,**

*Defendant.*

**AFFIDAVIT**

Index No. \_\_\_\_\_

\_\_\_\_\_  
STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

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

1. I am the \_\_\_\_\_ of the plaintiff in this action and make this affidavit in support of a motion for summary judgment in lieu of complaint based upon my personal knowledge, the plaintiff's records, and the records of the original forum.

2. This is an action based upon a judgment of the State of \_\_\_\_\_ to make it a judgment of this State and to enforce and collect it; the underlying cause of action was for goods, sold and delivered.

3. On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon the defendant's default in appearance, a judgment was rendered in the \_\_\_\_\_ Court of \_\_\_\_\_, in favor of the plaintiff and against the defendant for the sum of \_\_\_\_\_ and \_\_\_/100 Dollars (\$\_\_\_\_\_) and \_\_\_\_\_ and \_\_\_/100 Dollars (\$\_\_\_\_\_) costs for a total of \$\_\_\_\_\_. A court-exemplified copy of the judgment is annexed hereto and made a part hereof as Exhibit "A".

4. The \_\_\_\_\_ Court of \_\_\_\_\_, was then and still is a court of general jurisdiction.

5. The Court had jurisdiction over the defendant because the underlying transactions took place in the State of \_\_\_\_\_(or pursuant to a forum selection clause set forth in the credit agreement included as an exhibit to the original complaint which is included as part Exhibit "A" hereto.

6. Venue in \_\_\_\_\_ County was proper because it is the residence of the plaintiff.

7. No appeal has been taken nor has any motion or action been taken with reference to the judgment and the judgment remains totally unpaid.

8. Defendant has a place of business in \_\_\_\_\_ County, New York.

9. There is no defense to this cause of action and no part of the judgment has been paid and no previous application for the relief sought has been made.

10. I have been advised that, pursuant to the law of \_\_\_\_\_, the plaintiff is entitled to recover post-judgment interest at the rate of \_\_\_% per annum from the date of its entry.

**WHEREFORE**, it is respectfully requested that summary judgment be granted making the judgment and decree of the \_\_\_\_\_ Court of the State of \_\_\_\_\_ rendered in the plaintiff's favor and against the defendant on \_\_\_\_\_, 20\_\_\_\_, a judgment of this court, together with such other and further relief as the court deems proper.

\_\_\_\_\_  
(PRINT NAME)\_\_\_\_\_

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

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

At An IAS Term of the Supreme Court,  
\_\_\_\_\_ County held at the Courthouse,  
\_\_\_\_\_, NY on \_\_\_\_\_, 20\_\_.

PRESENT: Hon. \_\_\_\_\_ J.S.C.

STATE OF NEW YORK

SUPREME COURT COUNTY OF \_\_\_\_\_

**CREDITOR,**

*Plaintiff,*

-vs-

**DEBTOR d/b/a,**

*Defendant.*

**JUDGMENT AND ORDER**

Index No. \_\_\_\_\_

Plaintiff has moved this Court for summary judgment against the defendant on a judgment entered in favor of the plaintiff and against the defendant in \_\_\_\_\_ Court of the State of \_\_\_\_\_. In support of the motion, plaintiff has submitted a Summons and a Notice of Motion for Summary Judgment in Lieu of Complaint, both dated \_\_\_\_\_, 20\_\_; the Affidavit of \_\_\_\_\_, sworn to the \_\_\_\_ day of \_\_\_\_\_, 20\_\_; a Court-exemplified copy of the judgment annexed thereto; and proof of service thereof by personal delivery to the defendant on \_\_\_\_\_, 20\_\_. No papers were submitted in opposition thereto and a hearing on the motion was held on \_\_\_\_\_, 20\_\_.

Upon the foregoing papers and, upon hearing \_\_\_\_\_, \_\_\_\_\_, Esq., of counsel, in support of the motion and \_\_\_\_\_ having appeared in opposition thereto, and due deliberation having been had; it is

ORDERED, that the motion of the plaintiff is hereby granted; and it is

ADJUDGED that the plaintiff, **CREDITOR**, is granted judgment against the defendant, **DEBTOR d/b/a**, for \$\_\_\_\_\_ with interest thereon at \_\_\_% per annum from the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, motion costs of \$\_\_\_\_\_, and disbursements as to be taxed by the Clerk of this Court upon the presentation of the proper papers; and that the plaintiff have execution therefor.

\_\_\_\_\_

Hon. \_\_\_\_\_, J.S.C.

GRANTED:

Sample