SUPREME COURT
_____ COUNTY

_____

Plaintiff,

-against-

Defendant.

_____

Index No. _____

AFFIRMATION IN SUPPORT OF MOTION TO SET INSTALLMENT PAYMENTS

_____, under penalties of perjury, affirms and says:

1. I am an attorney duly admitted to practice in this state and of counsel with _____ _____, the attorney for the plaintiff herein. I am familiar with the facts set forth in this affirmation from my own knowledge or from the information contained in our file.

2. On [date], judgment was entered in Supreme Court, _____ County in favor of the plaintiff herein against the above-named judgment debtor in the sum of $_____, including costs.

3. A number of payments on account have been made by the judgment debtor in satisfaction of the judgment on record, thereby leaving a balance due and owing in the sum of $_____ with interest thereon from [date]. A copy of the judgment creditor's ledger card is attached hereto and marked Exhibit A.

4. On [date], this office caused an information subpoena to be issued against the defendant. The defendant answered the questionnaire annexed thereto stating that he was a self-employed attorney earning approximately $_____ per week. A copy of the answers annexed to the information subpoena are attached hereto and marked Exhibit B.

5. The judgment creditor herein then obtained a current Assets and Income Report dated _____, ___, which verified the answers as set forth above indicating the judgment debtor to be self-employed earning approximately $_____ to $_____ per year. A copy of the report is attached hereto and marked Exhibit C.

6. It will be noted that by reason of the information found in the Current Assets and Income Report, it was discovered that the defendant resides with his mother at her home. In addition, it is suggested that the judgment debtor has no financial difficulties and apparently has the ability to make payments in satisfaction of the judgment herein.

7. It would appear that the judgment debtor is living well and that all his reasonable needs are taken care of without difficulty and with little personal expense. Because of the nature of the judgment debtor's income, an income execution is not practicable. The judgment debtor has

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refused to make any effort to satisfy the balance due on his obligation, and the only recourse available to the judgment creditor is an order setting installment payments.

WHEREFORE I respectfully pray for an order directing _____ to make regular monthly installment payments of $_____ each to the judgment creditor, together with such other and further relief as may seem proper.

Dated: _____, New York
_____, _____

s/ _____
[Signing Attorney's Name]
Attorney for Plaintiff
[Address and phone number]

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