

At a Special Term of Court in and for the City of \_\_\_\_\_ held in the Courthouse in \_\_\_\_\_, New York on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

PRESIDING JUSTICE, HON. \_\_\_\_\_, J.C.C.

STATE OF NEW YORK

\_\_\_\_\_ CITY COURT : \_\_\_\_\_ COUNTY

**CREDITOR,**

*Plaintiff,*

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

vs.

**ORDER**

**DEBTOR,**

*Defendants.*

The plaintiff, by its attorneys, \_\_\_\_\_, having moved this Court ex parte for an Order fixing the attorneys' fees as demanded by plaintiff in the Complaint, and said Motion having duly come on to be heard;

NOW, on reading and filing the affidavit of \_\_\_\_\_, Esq., sworn to on \_\_\_\_\_, 20\_\_, in support thereof and upon the Complaint and due deliberation having been had, it is

ORDERED, that the attorneys' fees are hereby fixed at the amount of \_\_\_\_\_ (\$\_\_\_\_\_) Dollars, and it is further

ORDERED, that the Clerk enter judgment with attorneys fees in the above-stated amount in favor of plaintiff and against the defendant upon the presentation of the appropriate papers.

GRANTED:

\_\_\_\_\_  
J.C.C.

STATE OF NEW YORK

\_\_\_\_\_ CITY COURT : \_\_\_\_\_ COUNTY

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

Plaintiff,

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

AFFIDAVIT

vs.

**DEBTOR,**

Defendants.

\_\_\_\_\_  
STATE OF NEW YORK )

COUNTY OF \_\_\_\_\_ ) ss:

\_\_\_\_\_, a licensed attorney at law with the firm of \_\_\_\_\_, attorneys for the plaintiff herein, being duly sworn, deposes and says:

1. I respectfully submit this affidavit in support of the plaintiff's demand for an award for attorneys' fees. Neither I nor any partners or associates of the firm are salaried employees of the plaintiff. I am familiar with the facts hereinafter stated. The claim reflected by this lawsuit was referred to my firm by plaintiff in \_\_\_\_\_ of 20\_\_\_\_\_, as a result of the default by the defendant under the terms of a credit agreement executed by the defendant and a copy of which is attached to the complaint, a copy of which is annexed hereto as Exhibit "A".

2. My firm devotes a substantial part of its legal practice to lawsuits concerning, and collection of, consumer and commercial credit obligations.

3. I am familiar with the professional services furnished by me and my firm in this matter.

4. As indicated by the affidavit of service, the defendant was served on \_\_\_\_\_, 2007 and the time for the defendant to answer has lapsed and the defendant has failed to appear or answer and is in default.

5. The credit agreement provides for the plaintiff to recover reasonable attorneys' fees.

6. My firm was retained to prosecute this action at our standard hourly rates plus costs.

7. As set forth on the invoices, collectively annexed hereto as Exhibit "B", the services rendered by my law firm directly attributable to this matter involved \_\_\_\_\_ hours for a total of \$ \_\_\_\_\_, plus costs of \$ \_\_\_\_\_ for a total of \$ \_\_\_\_\_.

8. It is my opinion and belief, based upon my \_\_\_\_\_ years of legal practice in the State of New York and my experience in litigation involving commercial and consumer credit obligations, that the amount of \$ \_\_\_\_\_ represents the fair and reasonable value of the services provided and is equal to or less than the usual fee charged by attorneys for comparable services in this area of New York State.

WHEREFORE, I respectfully request that this Court both fix and allow attorneys' fees in the sum of \$ \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Esq.

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

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

Sample