

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

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In the Matter of the Continuance of
the public improvement lien claimed by
_____, lienor, on the
Proceeds of the Contract of _____
_____, Contractor,
with the STATE OF NEW YORK, and the
DEPARTMENT OF TRANSPORTATION
OF THE STATE OF NEW YORK,

Contract No. _____

ATTORNEY'S
AFFIRMATION TO
CONTINUE OR EXTEND
PUBLIC LIEN
SUBSEQUENT TO
EXTENSION PROCEDURE

Index No. _____

(Justice _____)

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_____, pursuant to CPLR 2106, affirms as follows:

1. I am an attorney-at-law associated with the firm of _____, attorneys for _____, and as such am fully familiar with the facts of this matter.
2. On [date], a public improvement lien on behalf of _____ in the sum of \$_____ was duly filed with the Comptroller of the State of New York and the Department of Transportation of the State of New York. A copy of said lien is annexed as Exhibit A hereto.
3. Within one year of the filing of said public improvement lien, said lien was extended by the filing of an extension of lien with the Comptroller of the State of New York in accordance with Lien Law § 18 as amended. A copy of said extension is annexed as Exhibit B hereto.
4. An action to foreclose upon the said lien has not been instituted pending the negotiations of possible payment of the sums due to the lienor by the lienee.
5. No action has been commenced to foreclose said lien and the time to institute such action will expire on [date],¹ pursuant to the Extension of Lien unless the lien is continued by an order of this Court.
6. No previous application has been made for the relief sought herein.

WHEREFORE, your affiant respectfully requests an order of this Court continuing the public improvement lien for the period of one year as provided by statute (Lien Law § 18) and set forth in the accompanying order.

¹ The extension of lien is valid for one year from the filing thereof pursuant to Lien Law § 18.