

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

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In the Matter of the Application
of _____ requiring
_____, Lienor,
to enforce its lien or show cause
why the Notice of Lien should not
be vacated and cancelled of record as
prescribed by Section 59 of the Lien Law.

Index No. _____
Judge _____
IAS Part _____

AFFIDAVIT IN SUPPORT
OF APPLICATION TO
CANCEL NOTICE OF LIEN

-----X

STATE OF NEW YORK)
) ss.:
COUNTY OF _____)

_____, being duly sworn, deposes and says:

1. I make this affidavit in support of an application to vacate and discharge the mechanic's lien hereinafter described, for failure to commence an action to foreclose the same after the service of a notice pursuant to Section 59 of the Lien Law.

2. I am an associate in the law firm of _____, attorneys for _____, the above-named owner for whom purported work was done as described in the said notice of lien.

3. On the ____ day of _____, _____, the lienor above-named filed in the office of the Clerk of the County of _____, a notice of mechanic's lien in the sum of \$ _____ claiming against _____ as owner of the premises for whom work was done, and affecting property therein described as follows:

Section _____
Block _____
Lot _____ a/k/a _____ Drive, _____, NY

(See Exhibit _____)

4. On the ____ day of _____, _____, said lienor was duly served with a notice pursuant to Section 59 of the Lien Law, requiring _____ to commence an action to enforce said lien on or before the ____ day of _____, _____, which was more than thirty (30) days after such service or to show cause why the said notice of lien should not be vacated and cancelled. A copy of said notice is annexed hereto as Exhibit _____. An affidavit of service showing due service of said notice is also annexed hereto as Exhibit _____.