

CONSUMER CREDIT TRANSACTION [if applicable]
Open-end Credit Transaction – Original Creditor Plaintiff [if applicable]

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. Any request for Judgment for the relief demanded in the complaint will be subject to approval by the Court and applicable law.

DATED: _____, 20____

LAW FIRM

By: _____

(PRINT) _____

Attorneys for Plaintiff

_____, NY _____

Telephone: () _____

Note: "If suit is commenced on a consumer claim within the 30-day validation period, the following language is recommended at the end of the Summons:

This advice pertains to your dealings with me as a debt collector. It does not affect your dealings with the court, and in particular it does not change the time at which you must answer the complaint. The summons is a command from the court, not from me, and you must follow its instructions even if you dispute the validity or amount of the debt. The advice in this portion of the document also does not affect my relations with the court. As a lawyer, I may file papers in the suit according to the court's rules and the judge's instructions. Unless you, within thirty days after receipt of this notice, dispute the validity of the debt, or any portion of it, the debt will be assumed to be valid by us. If you notify us in writing within the thirty-day period that the debt, or any portion thereof, is disputed, we will obtain verification of the debt and mail a copy of such verification to you. Upon your written request within the thirty-day period, we will provide you with the name and address of the original creditor, if different from the current creditor. The law does not require us to wait until the end of the thirty-day period following first contact with you before suing you to collect the debt. Even though the law provides that your answer to the Complaint may be required to be served in some cases in less than thirty days, no request will be made to the Court for a judgment until, at least, the expiration of thirty days after your receipt of this summons. However, if you dispute the debt or request the name and address of the original creditor within the thirty-day period

that begins with your receipt of this summons, and in the manner stated above, the law requires us to cease efforts (through litigation or otherwise) to collect the debt until we mail the requested information to you. Nevertheless, this dispute or request may not constitute an Answer under law. You should consult an attorney for advice concerning your rights and obligations in this suit. This communication is from a debt collector. The debt collector is attempting to collect a debt, and any information obtained will be used for that purpose.”

Sample

Sample

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 10th 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,

AFFIDAVIT

~vs~

Index No. _____

DEBTOR d/b/a,

Defendant.

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,

JUDGMENT AND ORDER

Index No. _____

-vs-

DEBTOR d/b/a,

Defendant.

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

Sample