

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF _____

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In the Matter of the Application of

Petitioner,

-against-

Respondent.

-----X

PETITION

Index No.:

The Petition of _____ by its attorneys, _____, respectfully shows as follows:

1. The Petitioner herein entered into a contract with _____ on _____, 20__, for certain doors, frames, and architectural hardware in connection with construction work for _____, New York.

2. On or about _____, 20__, there was due and unpaid to the petitioner from _____, the sum of \$_____ for said doors, frames, and hardware supplied pursuant to the contract for the real property improvement involved.

3. On _____, 20__, the petitioner served upon the respondent, _____ a demand requiring the respondent to deliver a verified statement pursuant to Lien Law § 76, setting forth the entries with respect to the books and records maintained for the Lien Law Trust established by law for the aforesaid improvement herein. Service of the demand was made by certified mail, return receipt requested. (See Exhibit A). According to the post office said demand was delivered on _____, 20__.

4. Although more than 10 days have elapsed since service of the demand, the respondent has failed to comply with the demand.

5. Upon information and belief, _____ received and obtained funds from a bank or other financial institutions for said project which funds constitute the trust involved herein and said funds are required to be applied to the petitioner for the work performed by the petitioner for the private improvement involved.

6. _____ did not comply with said request for the appropriate Trustee's Statement within 10 days as required by Lien Law § 76(5).

7. Pursuant to Lien Law §§ 75 and 76(5) it is respectfully requested that the court issue an order directing _____ to comply with said request within 10 days of the