

Motion and Affidavit in Support of Motion for Extension of time to Perfect Appeal

STATE OF NEW YORK
APPELLATE DIVISION

SUPREME COURT
____ (Number) DEPARTMENT

_____,
Plaintiff/Appellant

**Motion for Extension of
time to Perfect Appeal**

-against-

_____,
Defendant/Appellee

App. Div. Case No. _____

Court Docket No./ File No. _____

PLEASE TAKE NOTICE, that upon the annexed Affidavit, sworn to on the ____ day of _____, 2011, a Motion will be made at a term of this Court to be held in the City of _____, New York, on the ____ day of _____, 20____, for an Order granting an extension of ____ days, until _____ (date), to perfect this Appeal pursuant to **§ 600.11** of the *Rules of the Appellate Division of the New York Supreme Court*.

Dated: _____

Signature: _____

Print Name: _____

Address: _____

Telephone: _____

(Note: Attach Affidavits Below)

STATE OF NEW YORK
APPELLATE DIVISION

SUPREME COURT
_____ (Number) DEPARTMENT

Appeal

_____,
Plaintiff/Appellant

**Affidavit in Support of Motion for
Extension of time to Perfect**

-against-

_____,
Defendant/Appellee

App. Div. Case No. _____

Court Docket No./ File No. _____

STATE OF NEW YORK
COUNTY OF _____ ss:

PERSONALLY appeared before me, the undersigned authority in and for said County and State, _____, who, having been being first duty sworn by the undersigned Notary Public, deposes and says:

1. That I am the Plaintiff/Appellant in the above captioned matter.
2. That I am pursuing an appeal from a Judgment of the Supreme Court of the State of _____, _____ County, rendered on _____, and filed with the _____ Clerk's Office on _____. Said Judgment granted a Motion to Dismiss of Defendant, _____.
3. A Notice of Appeal was filed on _____, and the Appendix was filed on _____ (date).
4. That I have been unable to perfect the Appeal in accordance with **§ 600.11** of the *Rules of the Appellate Division of the New York Supreme Court*, since _____, _____, thereby delaying my perfection of this Appeal pursuant to said **§ 600.11** of the *Rules of the Appellate Division of the New York Supreme Court*.

5. That I need an extension of _____ days, until *(date)*, to perfect this Appeal in accordance with said Rules.

(Signature of Affiant)
(Printed Name of Affiant)

SWORN to and subscribed before me, this the _____ day of _____,
20_____.

NOTARY PUBLIC

My Commission Expires:

AFFIDAVIT OF SERVICE OF MAILING

STATE OF NEW YORK
COUNTY OF _____ ss:

PERSONALLY appeared before me, the undersigned authority in and for said County and State, _____, who, having been being first duty sworn by the undersigned Notary Public, deposes and says:

On the _____ day of _____, 20____, I served a true copy of the annexed Notice of Motion and Supporting Affidavit by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of

_____ *(Name and Address)* and
to the last known address of the Attorneys for _____
_____ *(Names and Addresses of Attorneys)*.

(Signature of Affiant)
(Printed Name of Affiant)

SWORN to and subscribed before me, this the ____ day of _____,
20____.

NOTARY PUBLIC

My Commission Expires:
