

**JUSTICE COURT OF THE VILLAGE OF SPRING VALLEY
COUNTY OF ROCKLAND, NEW YORK**

Petitioner - Landlord

- against -

Respondent - Tenant

**PRO-SE ORDER TO SHOW CAUSE
TO STAY ISSUANCE OR,
ALTERNATIVELY, TO VACATE
JUDGMENT AND WARRANT**

Index No. _____

Upon the annexed affidavit of _____(TENANT)
sworn to on ____/____/20____, and on all the proceedings in this matter, let the Petitioner
or Petitioner’s attorney show cause before this Court at the courthouse located at **200 North
Main Street, Spring Valley, NY 10977**, on:

_____, 20____, at _____ am/pm

(or as soon as the clerk calls the matter), why an order should not be made:

- (1) Staying the issuance of a judgment and warrant pursuant to CPLR § 2004, and
- (2) Restoring the matter to the calendar so that the respondent may be heard,

OR, ALTERNATIVELY,

- (1) Vacating, the warrant of eviction and the judgment in favor of the landlord pursuant
to RPALPL §749(3) and CPLR § 5015(a) and,
- (2) Dismissing the petition for reasons set forth in the annexed affidavit, and
- (3) Granting any other relief as this court deems just, and it is

ORDERED that until this motion is heard and an order deciding this motion is entered
by the Clerk of the Court, all proceedings on the part of the Petitioner-Landlord, Petitioner’s
agent or attorney and the Sheriff or to enforce the judgment and execute the warrant of
eviction of the tenant are stayed, and it if further

ORDERED, that the Tenant may personally serve a copy or **FAX** a copy of this order
together with a copy of the annexed affidavit on:

- (1) the Petitioner-Landlord, petitioner’s agent or attorney, **AND**
- (2) upon the Sheriff or upon a person authorized by the Sheriff to accept service on
their behalf, if a warrant has been issued, on or before _____, 20_____.

DATED: _____

x _____

HON. _____
JUSTICE, VILLAGE OF SPRING VALLEY

JUSTICE COURT OF THE VILLAGE OF SPRING VALLEY,
COUNTY OF ROCKLAND, STATE OF NEW YORK

.....

AFFIDAVIT IN SUPPORT OF
ORDER TO SHOW CAUSE

.....

(TENTANT) _____, being sworn, says:

1. I am a Tenant in this proceeding, and I make this affidavit in support of this motion. This is a summary proceeding to recover possession of real property.
2. On information and belief, a judgment has been entered in this proceeding.
3. On information and belief, a warrant for my eviction was issued to the Sheriff and may be executed momentarily, causing severe hardship to me.

4. **CHOOSE ONE:**

I did not appear in court to make a timely answer to the petition in this proceeding because:
(REASON FOR NON-APPEARANCE IN COURT OR FAILURE TO ANSWER)

OR

I did appear in court and the following occurred:

5. I have a meritorious defense to this proceeding and/or the eviction should be stayed because: (DEFENSE)

6. No previous application has been made by me for the relief requested in this affidavit.
7. I have no one else to serve copies of this order to show cause and therefore I request permission to serve this order personally.

WHEREFORE, I ask this court to grant the relief requested in this order to show cause.

SIGNATURE OF TENANT

(Print tenant's name)

Sworn to before me this
____ day of _____, 20____

Notary Public/Clerk

This affidavit must be notarized by a notary public or a clerk and filed with the clerk of the court before the court date.

.....
**AFFIDAVIT OF SERVICE OF SIGNED ORDER
TO SHOW CAUSE**
.....

State of New York,
County of Rockland:

(Name) _____, being sworn, says: I am the tenant in this proceeding and am over 18 years of age and reside at:

(address) _____

On _____, 20____, at _____ a.m./p.m., I served a copy of this signed order and affidavit by:

(check applicable box and write name of person served)

BY FAX ON Petitioner or Petitioner's attorney at fax # _____,

PERSONAL SERVICE ON _____, Petitioner, by delivering a true copy to Petitioner personally at _____. I know the person served to be the person described as Petitioner.

PERSONAL SERVICE ON _____, Petitioner's agent by delivering a true copy personally at _____. I know that the person served is the agent of the Petitioner

PERSONAL SERVICE ON Petitioner, a Corporation/Partnership by delivering a true copy to _____ personally at _____. I know that this person is the _____ (position) of the Corporation/Partnership.

PERSONAL SERVICE ON _____, the petitioner's attorney by delivering a true copy personally to the office of petitioner's attorney and the person served is the attorney or secretary authorized to accept service.

PERSONAL SERVICE ON the Sheriff _____

CERTIFIED MAIL, RETURN RECEIPT REQUESTED, ON _____

(Signature of Tenant)

Sworn to before me this
_____ day of _____, 20_____

Notary Public/Clerk