

LANDLORD'S GUIDE TO NONPAYMENT SUMMARY PROCEEDINGS

For Courts Outside New York City



FORMS PACKET

The forms in this packet are free. You should read the “Landlord’s Guide to Non Payment Summary Proceedings” completely before filling out these forms and submitting them to the court.

New York State Unified Court System

**DIVISION OF COURT OPERATIONS
OFFICE OF TRIAL COURT OPERATIONS**

SEPTEMBER 2007

FORMS PACKET

NONPAYMENT SUMMARY PROCEEDINGS

For Courts Outside New York City

The forms contained in this packet are free and should be used only in Non Payment Summary Proceeding in courts outside of New York City. You should read the “Landlord’s Guide to Non Payment Summary Proceedings” before completing any of these forms.

FORMS AND INSTRUCTIONS	
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If you feel you need legal advice at any time during your case, talk with a lawyer. If you cannot afford a lawyer, or are unsure how to find one, these resources can help you:

- Go to www.lawhelp.org/ny/;
- Call the New York State Bar Association Lawyer Referral Service (toll free) at 1-800-342-3661;
- Go to www.nycourthelp.gov and click on “Lawyers”;
- Go to www.nycourts.gov/attorneys/nybarassociations.shtml;
- Ask at any courthouse about lawyer referral services.

Instructions for Preparing: Written Demand for Past Due Rent

Find the number on the form for each instruction below.

Type or print in black ink only.

1. Write the date you are preparing the Written Demand for Payment of Past Due Rent.
2. Write the number of rooms, on which floor, which side of the building, and the apartment number of the rental property. (For example, 4 rooms, 2nd floor, Left side, Apt No. 33)
3. Write the address of the rental property (for example, 321 FIRST ST., ANYWHERE, NY).
4. Check [✓] the first box if the property is used for business purposes. Check [✓] the second box if the property is used for residential purposes.
5. Write the name of the tenant(s) residing at the property.
6. Write the tenant's address, including the zip code.
7. If there are any under-tenants, write their names.
8. If there are any under-tenants, write their address including the zip code.
9. List the amounts of rent due and the months for which the rent is due.
10. Write the total amount of rent due.
11. The landlord signs on this line. Print the landlord's name next to the signature.
12. If the landlord has an agent, the agent signs on this line. Print the agent's name next to the signature.
13. If the landlord signed the form, write the landlord's address. If the agent signed the form, write the agent's address.

WRITTEN DEMAND FOR PAYMENT OF PAST DUE RENT

(1) _____, 20____
Re: Premises:
(2) _____ rooms _____ floor _____ side, Apt. No. _____
(3) _____

(4) used for Business Residence

TO:

Tenant(s), under-tenant(s) or assigns, and every person in possession of the premises.

(5) _____ (6) _____

(7) _____ (8) _____

(9) Take notice that you owe rent for the following period(s):

\$ _____ for month of _____ 20____
\$ _____ for month of _____ 20____
\$ _____ for month of _____ 20____
\$ _____ for month of _____ 20____
\$ _____ for month of _____ 20____

(10) The total now due is: \$ _____

If you do not pay the total rent due on or before the expiration of **three days** from the date of the service of this notice, or surrender up the possession of said premises to the landlord, the landlord will commence summary proceedings to evict you.

(11) Landlord: _____
Signature Print or Type Name

(12) Agent: _____
Signature Print or Type Name

(13) Landlord or Agent's Address: _____

Instructions for Preparing Notice of Petition: Non Payment Proceeding

Find the number on the form for each instruction below.

Type or print in black ink only.

1. Write the name of the court where the case is being started.
2. Write the name of the county where the court is located.
3. Write the Index Number or Docket Number after the court gives you one for this case.
4. Write the landlord's name and address. (The landlord is the "Petitioner.")
5. Write the name and address of the tenant(s). (The tenant is the Respondent.)
6. Write the name of the court where the case is being started
7. Write the name of the county in which the court is located.
8. *Leave blank.* The court will fill in this information.
9. Write the address and description of the rental property.
10. Write the name of the county where the rental property is located.
11. Write the total amount of money you want the judge to award to you.
12. Write the first date that the unpaid rent was due.

Leave the rest blank. Do not sign the form.

(4) _____

Petitioner(s)/Landlord(s)

(3) Index/Docket No. _____

-against-

**NOTICE OF PETITION
NON PAYMENT PROCEEDING**

(5) _____

Respondent(s)/Tenant(s)

To the Respondents:

PLEASE TAKE NOTICE that a hearing at which you must appear will be held at the
(6) _____

City/District/Town/Village Court

County of (7) _____ on the (8) _____ day of _____, 20 __, at _____ am/pm,
upon the annexed petition, which you must answer, which requests a final judgment evicting
you from, and awarding to the petitioner the possession of, the premises designated and
described as follows:

(9) _____

Street Address Including Zip Code

the _____ rooms on the _____ floor, Apartment No. _____, in the County of (10) _____
and such other and further relief as is demanded in the petition.

TAKE NOTICE that demand also is made in the petition for judgment against you for the
sum of (11) \$ _____, with interest thereon from (12) _____, 20 ____.

TAKE NOTICE that your answer may set forth any defense or counterclaim you may
have against the petitioner.

TAKE NOTICE also that if you shall fail at such time to interpose and establish any
defense that you may have to the allegations of the petition, you may be precluded from
asserting such defense or the claim on which it is based in any other proceeding or action.

TAKE NOTICE that your failure to appear and answer may result in final judgment by
default for the petitioner evicting you from the premise and ordering you to pay the amount
demanded in the petition.

DATED: the _____ day of _____, 20 ____.

Judge/Clerk/Attorney

Instructions for Preparing Non Payment Petition To Recover Possession of Real Property (Page 1 of 2)

Find the number on the form for each instruction below.

Type or print in black ink only.

1. Write the name of the court.
2. Write the name of the county where court is located.
3. Write the Index Number or Docket Number after the court gives you one for this case.
4. Write your name and address, if you are the landlord. (The landlord is the “petitioner.”)
If you are filling out this form for the landlord, write the *landlord’s* name and address, not your own.
5. Write the name and address of the tenant(s). (The tenant is the “Respondent.”)
6. Write the landlord’s name.
7. Write the tenant’s name.
8. Write *either* the word “**oral**” or the word “**written**” (*not both*) depending on whether the rental agreement is oral or in writing.
9. Write the date the rental agreement was made.
10. Write the monthly rental amount.
11. Write the day of the month that the rent is due.
12. Write the full address of the rental property (include the room/apartment number).
13. Write each date the unpaid rent was due and the amount for each date.
14. Write the total amount of rent due.
15. Check the box that is true for your case.

Note for # 10 and #11: If the rent is not due on a monthly basis (e.g., weekly), cross out the word “month” and write in the time period that applies.

(4) _____

(3) Index/Docket No. _____

Petitioner(s)/Landlord(s)

-against-

**NON PAYMENT PETITION TO
RECOVER POSSESSION OF REAL
PROPERTY**

(5) _____

Respondent(s)/Tenant(s)

THE PETITION OF (6) _____ owner and landlord of the premises alleges that:

1. The undersigned is the owner/landlord of the premises claimed herein and the petitioner in this action.

2. Respondent(s) (7) _____ is/are the tenant(s) of said premises who entered into possession thereof under (8) _____ rental agreement made on or about (9) _____

between respondent(s) and the landlord (landlord's predecessor), wherein respondent(s) promised to pay to landlord as rent (10)\$ _____ each month in advance on the (11) _____ day of each month.

3. Respondents are now in possession of said premises.

4. The premises from which removal is sought are described as follows: (12) _____ which is situated within the territorial jurisdiction of this court.

5. Pursuant to said agreement there was due to landlord from respondent tenant(s) rent as follows:

(13) (Month) _____, 20 ____ (Amount) \$ _____, (Month) _____, 20 ____ (Amount) \$ _____,
(Month) _____, 20 ____ (Amount) \$ _____, (Month) _____, 20 ____ (Amount) \$ _____,
(Month) _____, 20 ____ (Amount) \$ _____, (Month) _____, 20 ____ (Amount) \$ _____,
(Month) _____, 20 ____ (Amount) \$ _____, (Month) _____, 20 ____ (Amount) \$ _____,

Respondent/Tenant(s) have defaulted in the payments thereof, and the total rent in arrears is (14) \$ _____.

6. Said rent having been duly demanded from the respondent(s) since same became due:

(15)

- Personally by the landlord/owner.
- By the service of a written three(3)-day demand for rent on the respondent(s).

Continued Instructions for Preparing Non Payment Petition To Recover Possession of Real Property (Page 2 of 2)

16. Check all the boxes that are true for your case.
17. Write the total amount of rent due.
18. Write the first date that the unpaid rent was due.
19. Write the date you finish filling out this form
20. The landlord signs on this line. Print the landlord's name next to the signature.
21. Write the name of the county where you are signing this form.

***NOTE: THIS FORM MUST BE NOTARIZED.
LEAVE THE REST OF THIS FORM "BLANK" UNTIL YOU ARE IN THE PRESENCE OF
THE NOTARY PUBLIC.***

22. Check the box that applies.
23. The person signing this form (from # 22) must do so in the presence of a Notary Public.
24. The Notary will complete the date and sign his/her name after it has been signed in their presence by the person indicated in # 22.

Instructions for Preparing

Affidavit of Personal Service

Find the number on the form each instruction below.

Type or print in black ink only.

1. Write the name of the court.
2. Write the name of the county where court is located.
3. Write the Index Number or Docket Number after the court gives you one for this case.
4. Write your name and address, if you are the landlord. (The landlord is the “petitioner.”)
If you are filling out this form for the landlord, write the *landlord’s* name and address, not your own.
5. Write the name and address of the tenant(s). (The tenant is the “Respondent.”)
6. Write the name of the county where this Affidavit will be signed and sworn to.
7. Write the name of the city, town, or village where this Affidavit will be signed and sworn to.
8. Write the name of the person who served the papers.
9. Write the name of the document that was served.
10. Write the name of the tenant(s) as it appears on the case papers.
11. Write the address of the place where the tenant was served with the case papers.
12. Write the time and date the tenant was served.
13. Fill in the description of the person served.

NOTE: THIS FORM MUST BE NOTARIZED.

LEAVE THE REST OF THIS FORM “BLANK” UNTIL YOU ARE IN THE PRESENCE OF THE NOTARY PUBLIC.

14. The person who served the papers should sign here in the presence of a Notary Public.
15. The notary will complete the date and sign his/her name. The person who served the papers must sign and print his/her name in the presence of a Notary Public.

STATE OF NEW YORK
CITY/DISTRICT/TOWN/VILLAGE COURT (1) _____
COUNTY OF (2) _____

(4) _____

(3) Index/Docket No. _____

Petitioner(s)/Landlord(s)

-against-

AFFIDAVIT OF PERSONAL SERVICE

(5) _____

Respondent(s)/Tenant(s)

State of New York

County of (6) _____ ss.: City/Town Village of (7) _____

(8) _____, being duly sworn, deposes and says

that (s)he served the (9) _____

In the above entitled action upon the following named respondent(s) at the following place(s) and time(s):

(10) TENANT NAME(S)	(11) ADDRESS (CITY/TOWN/VILLAGE) & STATE	(12) TIME & DATE
---------------------	--	------------------

_____	_____	_____
_____	_____	_____
_____	_____	_____

by delivering to and leaving with respondent(s), personally, a true copy thereof, and deponent further says that (s)he knew the person so served to be the same person mentioned and described in the said summons as respondent therein, and that at the time of making such service deponent was over eighteen years of age and not a party to this action. That (s)he asked respondent whether respondent was in the military service of the United State Government, in any capacity whatever, and respondent replied (s)he was not. Respondent was clad in ordinary civilian clothes and wore no military uniform of any kind.

(13) The person served is described as follows:

Sex _____, Color of Skin _____, Hair Color _____, Approximate: Age _____,
Weight _____, Height _____ . Other identifying features: _____

(14) _____
(Signature)

(Print or Type Name)

(15)
Sworn to before me this _____ day
of _____, 20 _____

Notary Public

Instructions for Preparing

Affidavit of Substituted or Conspicuous Place Service

Find the number on the form each instruction below.

Type or print in black ink only.

1. Write the name of the court.
2. Write the name of the county where court is located.
3. Write the Index Number or Docket Number after the court gives you one for this case.
4. Write the landlord's name and address, if you are the landlord. (The landlord is the "Petitioner.") If you are filling out this form for the landlord, write the *landlord's* name and address, not your own.
5. Write the name and address of the tenant(s). (The tenant is the "Respondent.")
6. Write the name of the county where this Affidavit will be signed and sworn to.
7. Write the name of the person who served the papers.
8. Write the name of the case paper(s) that was served.
9. Write the name of the tenant(s) as it appears on the case papers.
10. Write the name of the person who received the papers.
11. Write the date and time that the papers were served.
12. Write the address where the papers were served and place a [✓] in the box that describes that place.
13. Provide the information that describes the person who was served.
14. Write the address to which the papers were mailed.
15. Write the date the papers were mailed.
16. If the papers were affixed or left at the tenant's address, write that address and place a [✓] in the box that describes that place.
17. Write the date and time the papers were affixed or left at the tenant's address.
18. Write the address to which the papers were mailed.
19. Write the date the papers were mailed.
20. Write the dates and times you tried to make personal service on the tenant. Leave blank if no attempts were made at personal service.

NOTE: THIS FORM MUST BE NOTARIZED. LEAVE THE REST OF THIS FORM "BLANK"

UNTIL YOU ARE IN THE PRESENCE OF A NOTARY PUBLIC.

21. The person who served the papers should sign here in the presence of a Notary Public.
22. The notary public will complete the date and sign his/her name.

STATE OF NEW YORK
CITY/DISTRICT/TOWN/VILLAGE COURT (1) _____
COUNTY OF (2) _____

(4) _____

(3) Index/Docket No. _____

Petitioner(s)/Landlord(s)

-against-

**AFFIDAVIT OF SUBSTITUTED OR
CONSPICUOUS PLACE SERVICE**

(5) _____

Respondent(s)/Tenant(s)

State of New York
County of (6) _____

(7) _____, being duly sworn, deposes and says that (s)he served the (8) _____
_____ in the above entitled action in the following manner, stated herein at the following place and time: By
personally delivering to and leaving a true copy for (9) _____
with (10) _____, a person of suitable age and discretion, on the
(11) _____ day of _____, 20____, at _____ am/pm at
(12) _____ the dwelling place,
 usual place of abode, place of business within the State of New York Deponent further states that (s)he
describes the person actually served as follows:

(13) Sex _____, Color of Skin _____, Hair Color _____, Age _____, Weight _____,
Height _____, Other identifying features _____

AND

by mailing a true copy to the respondent at (14) _____
_____ (his)(her) last
known residence by both first class and certified mail on the: (15) _____ of _____, 20____.

OR

by affixing a true copy thereof to respondent's door or by placing a copy of the papers under the entrance door at
(16) _____

the dwelling place, usual place of abode, place of business within the State of New York on
the: (17) _____ day of _____, 20____ at _____ am/pm.

AND

by mailing a true copy of the same to the respondent at (18) _____

(his/her) last known residence by both first class and certified mail on the: (19) _____ day of _____, 20____.
Deponent previously attempted to serve the respondent on the (20) _____ day of _____, 20____ at _____
am/pm; on the _____ day of _____, 20____ at _____ am/pm; and on the _____ day of _____, 20____ at _____
am/pm.

(21) _____

(Signature)

(Print or Type Name)

(22) Sworn to before me this _____ day
of _____, 20____

Notary Public

Instructions for Preparing

Non Payment Judgment

Find the number in the form for each instruction below.
Type or print in black ink only.

1. Write the name of the court where the case was started.
2. Write the name of the county where the court is located.
3. Write the Index Number or Docket Number for this case.
4. Write your name and address, if you are the landlord. (The landlord is the "Petitioner.") If you are filling out this form for the landlord, write the landlord's name and address, not your own.
5. Write the name and address of the tenant(s). (The tenant is the "Respondent.")
6. Write the name of the landlord.
7. Write the name of the landlord.
8. Write the name of the tenant(s)
9. Write the tenant's current address.

Do not complete this form after #9. The remainder of this form will be completed by the Court.

STATE OF NEW YORK
CITY/DISTRICT/TOWN/VILLAGE COURT (1) _____
COUNTY OF (2) _____

(4) _____

Petitioner(s)/Landlord(s)

-against-

(3) Index/Docket No. _____

NON PAYMENT JUDGMENT

(5) _____

Respondent(s)/Tenant(s)

The Notice of Petition and Petition in this proceeding having been duly served and filed with the Court and the Respondent/Tenant(s) having failed to appear and answer or Respondent/Tenant(s) having appeared and an inquest/trial held, and the issues in this proceeding having come before the Court,

NOW, on motion of Petitioner/Landlord (6) _____, it is

ADJUDGED that the Petitioner/Landlord,(7) _____,
recover of the Respondents/Tenant(s),(8) _____,
residing at (9) _____, New York, the sum of \$ _____, together with
\$ _____ costs and disbursements of this proceeding, amounting in all to the sum of \$ _____,
and that the Petitioner/Landlord have execution therefor, and it is further

ADJUDGED that the possession of the premises described in the Petition be granted to the
Petitioner/Landlord with \$ _____ costs of this proceeding, and it is further

ADJUDGED that a warrant of eviction issue, such issuance to be stayed to and including the day of
_____, 20 ____.

OR

ADJUDGED that Respondent/Tenant(s) have judgment dismissing the Petition herein on the
merits (or) without prejudice, with _____ costs.

Dated: _____

Date of Judgment: _____

Judge

Clerk

Instructions for Preparing

Warrant of Eviction: Non Payment

Find the number in the form for each instruction below.

Type or print in black ink only.

1. Write the name of the court where the case is being started.
2. Write the name of the county where the court is located.
3. Write the Index Number or Docket Number for this case.
4. Write your name and address, if you are the landlord. (The landlord is the "Petitioner.") If are filling out this form for the landlord, write the landlord's name and address, not your own.
5. Write the name and address of the tenant(s). (The tenant is the "Respondent.")
6. Write the name of the County where the rental property is located.
7. Write the name of the landlord.
8. Write the date of the Court's judgment giving you the right to evict the tenant.
9. Write the full address of the rental property, including apartment number, upper, lower, etc.
10. Write the full name of the tenant(s).
11. Write the name of all undertenants, if any.

Do not complete this form after #11. The remainder of this form will be completed by the Court.

STATE OF NEW YORK
CITY/DISTRICT/TOWN/VILLAGE COURT (1) _____
COUNTY OF (2) _____

(4) _____

Petitioner(s)/Landlord(s)

-against-

(3) Index/Docket No. _____

**WARRANT OF EVICTION
NON PAYMENT**

(5) _____

Respondent(s)/Tenant(s)

TO THE SHERIFF OF (6) _____ COUNTY OR MARSHAL/CONSTABLE:

A petition having been presented in the above-captioned matter to this court by
(7) _____ Petitioner/Landlord and final judgment for Petitioner
having been rendered in the above-entitled proceeding on (8) _____ 20____, awarding to
said Petitioner the delivery of possession of the premises located at:(9)_____

and a warrant to remove: (10) _____ Respondent/Tenant(s)
and (11) _____ Respondent/Undertenant(s).

THEREFORE, you are hereby commanded to remove Respondent/Tenant(s) and all other
persons from the previously described premises, on the grounds that said tenant(s): _____

FAILED TO PAY RENT and continued in possession of aforementioned premises without permission of
Landlord/Petitioner after Notice of Petition with date of hearing, petition and proof of service were presented
to this Court. That no defense was established by respondent, and that the Court awarded possession of
said property to the landlord/ petitioner.

Enter:

DATE

CITY / DISTRICT COURT JUDGE
TOWN / VILLAGE JUSTICE