

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

-----X

Plaintiff,

Index No.:

-against-

**AFFIDAVIT OF DEFENDANT
IN ACTION FOR DIVORCE**

Defendant.

-----X

STATE OF _____ }

ss:

COUNTY OF _____ }

_____ being duly sworn, says:

I am the Defendant in the within action for divorce, and I am over the age of 18. I reside at _____.

1. I admit service of the *Summons with Notice* **OR** *Summons and Complaint* for divorce on ___/___/20___ based upon the following grounds: Insert the grounds alleged in the *Summons with notice* or *Complaint*:

- ☐ DRL §170(1) cruel and inhuman treatment
- ☐ DRL §170(2) abandonment
- ☐ DRL §170(3) confinement in prison
- ☐ DRL §170(4) adultery
- ☐ DRL §170(5) living apart one year after separation decree or judgment of separation
- ☐ DRL §170(6) living apart one year after execution of a separation agreement
- ☐ DRL §170(7) irretrievable breakdown in relationship*(see Defendant's Affidavit Notes)

I also admit service of the *Notice of Automatic Orders*, and, if the divorce was commenced on or after 1/25/16, the *Notice of Guideline Maintenance*, and those of the following forms checked:

- ☐ *Notice Concerning Continuation of Health Care Coverage*:
- ☐ *other* _____

2. I appear in this action; however, I do not intend to respond to the summons or answer the complaint, and I waive the twenty (20) or thirty (30) day period provided by law to respond to the summons or answer the complaint. I waive the forty (40) day waiting period to place this matter on the calendar, and I hereby consent to this action being placed on the uncontested divorce calendar immediately.

TO THE DEFENDANT:

You should read the Defendant's Affidavit Notes on the last page of this Affidavit before completing this form. For instructions on how to fill out this form, see p. 20 of the instructions for Uncontested Divorces with Children which may be found at any Supreme Court Clerk's Office or online at <http://www.nycourts.gov/divorce/pdfs/divorce-packet-instructions.pdf>

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