

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF _____ : HOUSING PART

File #

Index #

-----X

Petitioner(s),

- against -

**AFFIDAVIT OF
INVESTIGATION**

Respondent(s).

-----X

STATE OF NEW YORK, COUNTY OF _____) SS.:

_____, being duly sworn, hereby deposes and says the following allegations are true, under penalty of perjury:

1. I am the _____ Owner, _____ Managing Agent, _____ Superintendent, _____ Relative, _____ Process Server; or _____ Other: _____ for the petitioner herein, and I am familiar with the facts and proceedings heretofore had herein.

2. I submit this affidavit in support of the instant motion, which seeks to dispense with the requirement that a non-military affidavit be submitted to obtain a default judgment.

3. This Court has the discretion to dispense with the submission of a non-military affidavit upon a showing that an affidavit cannot be submitted despite due diligence in attempting to obtain one.

4. On _____, I went to the building and attempted to speak to the tenant to ascertain his military status, but could not find anyone at home.

5. Also, on _____, at approximately _____ am/pm and on _____, at approximately _____ am/pm, and again on _____ at approximately _____ am/pm, to not avail.

6. On _____, I spoke to _____ and inquired as to whether they have seen the tenant at the subject apartment and was advised that he has been seen leaving and entering the apartment daily albeit not on a regular schedule. Additionally, I have learned that _____ has not seen the tenant in any type of military attire. Mr. (Ms.) is a _____ at the building.

7. I do not have the tenant's work information and am thus unable to call or visit their place of employ to inquire as to their military status.

8. I verily believe that at this juncture despite my efforts that the tenant is avoiding speaking to me in the hopes of frustrating my rights of rent collection or recovery of the apartment.

9. I also believe that regardless of additional attempts at finding the tenant home to inquire of the military status that he will not cooperate and answer my questions leaving me with no ability of complying with the affidavit regarding the tenant's military service.

10. Consequently, unless this Court grants the instant motion, I will not be able to enforce my rights to collect rent or recover possession of the apartment.

WHEREFORE, based on the foregoing, it is submitted that the instant motion should be granted in all respects, together with such other and further relief that this Court deems just and in the circumstances.

Sworn to before me on this
_____ day of _____, 200__

NOTARY PUBLIC