



**Affirmation of Service:
Motion to Waive Court Costs, Fees, and Expenses**

_____ Court
County of _____

In the matter of:

Plaintiff/Petitioner (party bringing case) or **Subject of Proceeding**
-against-

Defendant/Respondent (opposing party; if none, leave blank)

Index/File Number:

Service Time Frames

Civil Practice Law and Rules section 2214(b) requires motion papers to be served a certain number of days before the court date depending upon:

1. what method is used to serve the papers
2. how far in advance you want the opposing party's answering papers to be served on you

Motion papers must be served **at least eight (8) days** before the court date, and then the opposing party must serve any answering papers **at least two (2) days** before the court date if the motion papers are served by:

- personal delivery to a party or a party's lawyer (see Section A)
- personal delivery to a lawyer's office (see Section C)
- personal delivery to a person of suitable age and discretion (see Section D)
- fax (facsimile) transmission and then mailing (see Section E)

However, if motion papers are served **at least sixteen (16) days** before the court date, the party making the motion can demand in writing that the opposing party must serve any cross-motions or answering papers **at least seven (7) days** before the court date, and then the party making the motion must serve any responding papers **at least one (1) day** before the court date.

Additional Time Required for Service by Regular Mail or an Overnight Delivery Service

If the motion papers are served by regular mail (see Section B) from *inside New York State*, add **five (5) days** to the service time frames above. For example:

- to serve the motion papers at least eight (8) days before the court date, mail the papers at least thirteen (13) days before the court date (8+5=13)
- to serve the motion papers at least sixteen (16) days before the court date, mail the papers at least twenty-one (21) days before the court date (16+5=21)

If the motion papers are served by regular mail (see Section B) from *outside New York State*, add **six (6) days** to the service time frames above. For example:

- to serve the motion papers at least eight (8) days before the court date, mail the papers at least fourteen (14) days before the court date (8+6=14)
- to serve the motion papers at least sixteen (16) days before the court date, mail the papers at least twenty-two (22) days before the court date (16+6=22)

If the motion papers are served by an overnight delivery service (see Section F), add **one (1) day** to the service time frames above. For example:

- to serve the motion papers at least eight (8) days before the court date, send the papers by overnight delivery at least nine (9) days before the court date (8+1=9)
- to serve the motion papers at least sixteen (16) days before the court date, send the papers by overnight delivery at least seventeen (17) days before the court date (16+1=17)

Form Instructions

Complete the correct sections below based on how the motion papers were served:

- If you served one or more people by personal delivery, complete **Section A**
- If you served one or more people by mail, complete **Section B**
- If you served a party’s lawyer at their law office, complete **Section C**
- If you went to a party’s home or their lawyer’s home and gave the papers to a person of suitable age and discretion, complete **Section D**
- If you served one or more people by fax and mail, complete **Section E**
- If you served one or more people by overnight delivery, complete **Section F**

Note: If a party is represented by a lawyer, you must serve the lawyer, not the party.

File this completed form and the original papers that were served with the court.

State of New York, County of _____

I state the following:

- I am over 18 years of age.
- I am not a party in this lawsuit.
- I live at the following address: _____

- I served true and complete copies of the following papers (check all that apply):

Notice of Motion to Waive Court Costs, Fees, and Expenses [UCS-FW2]

Application to Waive Court Costs, Fees, and Expenses [UCS-FW1]

Supporting papers (specify):

- I served the above papers by the following methods (complete all applicable sections):

Section A: Service by Personal Delivery to a Self-Represented Party or a Party’s Lawyer

I personally delivered copies of the papers to each person listed below:

Mailing Date and Time	Name of Lawyer or Self-Represented Party Served	Name of Party that Lawyer Represents or check Self-Represented	Address or Location Where Papers were Delivered
____ AM PM		____ Self-Represented	
____ AM PM		____ Self-Represented	
____ AM PM		____ Self-Represented	
____ AM PM		____ Self-Represented	
____ AM PM		____ Self-Represented	

Section B: Service by Mail

REMINDER:

- When mailing motion papers from *inside New York State*, add **five (5) days** to the service time frame
- When mailing motion papers from *outside New York State*, add **six (6) days** to the service time frame

I mailed copies of the papers to each person listed below in a properly sealed, stamped envelope by placing them in a secure depository (mailbox/mail slot) under the exclusive control of the United States Postal Service (USPS):

Note: You must use the address each lawyer or self-represented party provided for service. If no address was given, you must use the party's last known address.

Service Date and Time	Name of Lawyer or Self-Represented Party Served	Name of Party that Lawyer Represents or check Self-Represented	Address Provided for Service or Last Known Address
____ AM PM		Self-Represented	
____ AM PM		Self-Represented	
____ AM PM		Self-Represented	
____ AM PM		Self-Represented	
____ AM PM		Self-Represented	

Section C: Service by Delivery to a Lawyer's Office

REMINDER: This method can only be used to serve a party's lawyer.

I served the following lawyers by (check all that apply):

Leaving copies of the papers with a person in charge at the lawyer's office as follows:

Service Date and Time	Lawyer Name	Name of Party that Lawyer Represents	Lawyer's Office Address	Name of Person in Charge at Office
____ AM PM				
____ AM PM				

Leaving copies of the papers in a conspicuous place at the lawyer's office because there was no one in charge at office:

Service Date and Time	Lawyer Name	Name of Party that Lawyer Represents	Lawyer's Office Address
____ AM PM			
____ AM PM			

Placing copies of the papers in a sealed envelope addressed to the lawyer and depositing it in the office's letter box or letter drop because the office was not open:

Service Date and Time	Lawyer Name	Name of Party that Lawyer Represents	Lawyer's Office Address
____ AM PM			
____ AM PM			

Section D: Service by Delivery to a Person of Suitable Age and Discretion

REMINDER: If you go to the party’s home or their lawyer’s home and they are unavailable, you can leave the papers with a person of suitable age and discretion who is at home. You can only use this type of service if the person’s home is located *inside New York State*.

- A person of suitable age and discretion means the person is old enough to understand the situation, responsible, and likely to give the papers to the respondent. This person does not have to be an adult but should not be a small child. For example, a responsible teenage babysitter may qualify; someone who appears drunk or mentally impaired may not. The judge ultimately decides if the person who received the papers is a person of “suitable age and discretion.”

Note: You must first try to serve a lawyer at their office. You can only serve a lawyer at their home if you were unable to serve them at their office (see Section C).

I served each person listed below by leaving copies of the papers with a person of suitable age and discretion at the person’s home within New York State:

Service Date and Time	Name of Lawyer or Self-Represented Party Served	Name of Party that Lawyer Represents or check Self-Represented	Home Address	Name of Person Who Received Papers
____ AM PM		Self-Represented		
____ AM PM		Self-Represented		
____ AM PM		Self-Represented		
____ AM PM		Self-Represented		

Section E: Service by Facsimile (Fax) and Mail

REMINDER: Additional time for mailing is not required when you fax the papers first.

I sent copies of the papers to the following people by faxing to the number provided in the address section of the papers filed or served by the party or their lawyer in this case. To the best of my knowledge, these fax numbers have not been changed or withdrawn for the purpose of receiving service. I received a fax confirmation from each person’s fax machine showing that the fax transmission was successful. I also sent copies of the papers to each person by regular mail.

Fax Number and Fax Confirmation Date and Time	Mailing Date and Time	Name of Lawyer or Self-Represented Party Served	Name of Party that Lawyer Represents or check Self-Represented	Address Provided for Service
____ AM PM	____ AM PM		Self-Represented	
____ AM PM	____ AM PM		Self-Represented	
____ AM PM	____ AM PM		Self-Represented	
____ AM PM	____ AM PM		Self-Represented	

Section F: Service by Overnight Delivery

REMINDER: Add **one (1) day** to the service time frame when sending motion papers by overnight delivery

I sent copies of the papers to each person listed below by placing them in a properly addressed package and giving it to an overnight delivery service for prompt delivery. It was done before the latest time the delivery service allows for overnight delivery.

Note: You must use the address each lawyer of self-represented party provided for service. If no address was given, you must use the party's last known address.

Service Date and Time	Name of Lawyer or Self-Represented Party Served	Name of Party that Lawyer Represents or check Self-Represented	Address Provided for Service or Last Known Address	Overnight Delivery Service Used
____ AM PM		Self-Represented		
____ AM PM		Self-Represented		
____ AM PM		Self-Represented		
____ AM PM		Self-Represented		

I affirm this _____ day of _____, **20**____ under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Server Signature

Print Name