

COUNTY OF \_\_\_\_\_ ; STATE OF NEW YORK

Index. No.

Plaintiff,

-against-

NOTICE OF APPEAL

Defendant.

PLEASE TAKE NOTICE, that the above named ( ) Plaintiff(s),  
( ) Defendant(s),

hereby appeal(s) to the Appellate Term of the Supreme Court for the Ninth and Tenth Judicial  
Districts from the ( ) order of the  
( ) judgment

Court, County of

in this action, entered in the office of the Clerk of said Court on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

and this appeal is taken from each and every part thereof.

Dated:

Yours, etc.,

Copy To:

Name  
Address

( ) Plaintiff  
( ) Defendant  
Name  
Address

and Clerk of the Court

Tel. No.

( ) Attorney for Appellant  
Name  
Address

Tel. No.

**INSTRUCTIONS FOR SERVICE**

A PARTY TO THE ACTION CANNOT SERVE THE NOTICE OF APPEAL. IT MUST BE SERVED BY SOME OTHER PERSON 18 YEARS OF AGE OR OLDER (CPLR 2103 (a) ).

In the event the other party is represented by an attorney you are required to have the notice of appeal served upon the attorney. (In criminal cases the notice of appeal **must** be served upon the District Attorney of the County where the judgment was rendered.) After service has been made the affidavit of service by mail (Form "A" below) must be completed and sworn to before a Notary Public.

In the event the other party is not represented by an attorney you are required to have the notice of appeal served upon the other party. After service has been made the affidavit of service (Form "B" below) must be completed and sworn to before a Notary Public.

**AFFIDAVIT OF SERVICE BY MAIL UPON THE PARTY'S ATTORNEY OR UPON A PARTY**

STATE OF NEW YORK )  
COUNTY OF ) ss.:

The undersigned being duly sworn, deposes and says:  
Deponent is not a party to the action, is over 18 years of age and resides at

A( ) That on 19 deponent served the within notice of appeal on attorney(s) for in this action at the address designated by said attorney(s) for that purpose by depositing

B( ) That on 19 deponent served the within notice of appeal upon the other party in this action at the address designated by said other party for that purpose by depositing

a true copy of same enclosed in a postpaid properly addressed wrapper, in--a post office--official depository under the exclusive care and custody of the United States Postal Service within the State of New York

Sworn to before me this day of 19

\_\_\_\_\_  
The name must be printed beneath

AFTER THE AFFIDAVIT OF SERVICE HAS BEEN SIGNED AND NOTARIZED, THE ORIGINAL AND ONE COPY OF THE NOTICE OF APPEAL AND THE AFFIDAVIT OF SERVICE **MUST** BE FILED WITH THE CLERK OF THE TRIAL COURT.