

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

Plaintiff,

CASE NO.

JUDGE

Vs.

Defendant,

MOTION TO CONFIRM SALE
WITHOUT LOCAL RULE 27 RULE

On _____, the property at issue in this action was sold at a public sale. The Court had previously given notice of the sale to all parties on _____. See Exhibit 1. Plaintiff now asks the Court to confirm that sale, as all parties received notice by virtue of the Court's _____ post card.

In Central Trust Co. v. Janson, 67 Ohio St. 3d 140 (1993), the Supreme Court held that notice "only by publication to a party to a foreclosure sale . . . is insufficient to satisfy due process when the address is easily ascertainable." In response to Central Trust, Cuyahoga Cty. Loc. R. 27 was amended to require plaintiff to send notice of sale to the last known address of each party of record. This new requirement was intended to ensure compliance with Central Trust. Although plaintiff did not send notices in this case, the requirements of Central Trust are satisfied because on _____, the Court issued notice of the sale to all parties.

Plaintiff's failure to send notice was inadvertent, and all parties have, in fact, received notice from the Court. Therefore, this Court should confirm the Sale.

Respectfully submitted,

CERTIFICATE OF SERVICE

A copy of the foregoing Motion was served upon all parties and or their respective attorneys by regular mail on _____ day of _____, 2000.