

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

_____,)
)
Plaintiff,) Case No. CV _____
)
vs.) JUDGE _____
)
_____, *et al.*,) MOTION FOR SUPPLEMENTAL
) ORDER OF DISTRIBUTION
)
Defendants.)

Now comes defendant _____ and moves this court for a supplemental judgment order of distribution making findings as to the validity, amount and priority of the liens of said defendant as set forth in said defendant's answer filed herein.

There is presently \$ _____ being held by the Clerk of Courts as proceeds of the sheriff's sale, a portion of which, defendant _____ is entitled to for the reasons set forth in the attached brief.

Respectfully submitted,

Attorney for Defendant

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

_____,)
)
Plaintiff,) Case No. CV _____
)
vs.) JUDGE _____
)
)
_____, *et al.*,) BRIEF IN SUPPORT OF
) MOTION FOR SUPPLEMENTAL
) ORDER OF DISTRIBUTION
)
Defendants.)

As evidenced by the affidavit attached hereto, there is due defendant _____ the sum of \$ _____ plus interest thereon at the rate of _____% per annum from _____ upon the note set forth in said defendant's answer. In order to secure the indebtedness evidenced by said note, a mortgage deed was executed and delivered securing the premises which are the subject of this action. Said mortgage deed was filed for record on _____, and recorded at AFN _____ of the Cuyahoga County Records, and thereby became a good, valid, and subsisting lien on the subject property.

All parties with an interest in the subject property superior to that of defendant _____ have been previously satisfied out of the sheriff's sale proceeds.

Accordingly, defendant _____ requests that the court enter the proposed supplemental order of distribution.

Respectfully submitted,

Attorney for Defendant

CERTIFICATE OF SERVICE

A copy of the foregoing motion and brief has been served upon all parties or their respective attorneys of record, this ____ day of _____, 20____ at the following addresses:

[List all parties and their addresses]

Attorney for Defendant

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

_____,)
)
Plaintiff,) Case No. CV _____
)
vs.) JUDGE _____
)
)
_____, *et al.*,) ORDER GRANTING
) MOTION FOR SUPPLEMENTAL
) ORDER OF DISTRIBUTION
)
Defendants.)

This cause came on to be heard on the motion of the defendant _____
for supplemental order of distribution. Upon consideration thereof, the court finds that the
motion is well taken and the same is hereby granted.

The court further finds that there is presently \$ _____ being held by the
Clerk of Courts as proceeds of the sheriff's sale.

The court finds that there is due defendant _____ the sum of
\$ _____ plus interest thereon at the rate of _____% per annum from
_____ upon the note set forth in said defendant's answer; that in order to
secure the indebtedness evidenced by said note a mortgaged deed was executed and delivered
securing the premises which are the subject of this action; and that said mortgage deed was filed
for record on _____ and recorded at AFN _____ of the

Cuyahoga County Records, and thereby became a good, valid, and subsisting lien on the subject property.

The court finds that all parties with an interest in the subject property superior to that of defendant _____ have been satisfied out of the sheriff's sale proceeds.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the order of distribution appearing in the court's order of _____ is hereby amended as follows:

FOURTH: To defendant _____ the sum of \$ _____ plus interest thereon at the rate of _____% per annum from _____;

FIFTH: The balance to the Clerk of Courts to hold pending further order of the court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to Civ.R. 54(B), there is no just reason for delay.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pursuant to Civ.R. 58(B), the Clerk of Courts must serve, in a manner prescribed by Civ.R. 5(B), all parties not in default for failure to appear notice of this judgment and its date of entry upon the journal and must note the service on the appearance docket.

IT IS SO ORDERED

JUDGE

Last revised: 12-14-16