

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

BANK OF _____

Plaintiff,

vs.

PROPERTY OWNER, et al.,

Defendants.

CASE NO.

JUDGE

**JUDGMENT ENTRY CONFIRMING
SALE, ORDERING DEED, AND
ORDERING DISTRIBUTION**

This cause is before the court on the report of sale of the private selling officer, the private selling officer's report of appraisal, publication, marketing, other expenses of sale, and fees charged, the returned order of sale, and the evidence.

Based upon careful examination of the proceedings and the report of sale, the court hereby finds that:

1. The private selling officer conducted an auction of the property that is the subject of this case;
2. _____ ("purchaser") was the successful bidder at the auction, having submitted a total bid of \$_____ (including a buyer's premium);
3. The sale was made in all respects in conformity to law, and the orders of this Court;
4. On the day of the auction, the purchaser and the private selling officer executed a real estate purchase agreement;
5. Pursuant to the terms of sale agreed to by private selling officer and the purchaser, _____, a title insurance agent, has been appointed to perform title, escrow and closing services relating to the sale of the property (the "escrow agent");

6. Purchaser has paid the full purchase price to the escrow agent;
7. The following fees and costs have been incurred as the result of the sale:
 - a. The cost of the appraisal as required by RC 2329.17 in the sum of \$_____;
 - b. The cost of the advertisement required by RC 2329.26 in the sum of _____;
 - c. The fees and costs incurred by the private selling officer in the sum of \$_____;
 - d. The fees charged by escrow agent in the sum of _____ . [Presumed reasonable if less than or equal to \$500.00. Over \$500.00 requires a court order approving the fees].

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that sale is approved and confirmed.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the private selling officer convey to the purchaser a deed to the property, accept delivery of the deed, and record the deed.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that a writ of possession is awarded to the purchaser.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the order of distribution in the decree of foreclosure previously entered herein is amended to read as follows:

FIRST: To the Clerk of Courts the costs of this case including: the sum of \$_____ payable to plaintiff for the title reports filed herein; the cost of the appraisal required by RC 2329.17 in the sum of \$_____ ; the cost of the advertisement required by RC 2329.26 in the sum of _____ ; the portion of the fees and costs incurred by the private selling officer taxable as costs in the sum of \$_____ [1.5% of the sale price]; and the fees charged by escrow agent in the sum of _____ .

SECOND: **IF THE PLAINTIFF IS THE PURCHASER AND HAS ELECTED TO FORGO THE PAYMENT FROM THE SALE PROCEEDS OF CERTAIN TAXES AS PROVIDED IN R.C. §323.47(B):**

To the Treasurer of Cuyahoga County, Ohio, taxes, accrued taxes, assessments, and penalties on the premises hereinafter described, as shown on the tax duplicate;

OTHERWISE:

To the Cuyahoga County Treasurer, taxes, assessments, interest, and penalties, the lien for which attaches before the date of sale but that are not yet determined, assessed and levied for the year that includes the date of sale, apportioned pro rata to the part of that year that precedes the date of sale, and all other taxes, assessments, penalties, and interest which attached for a prior tax year but have not been paid on or before the date of sale.

THIRD: To the private selling officer, the remainder of his fees and costs not taxed as costs and paid under "First" above in the sum of \$_____;

FOURTH: To plaintiff, the sum of \$_____ plus interest thereon at the rate of ____% per annum from [date].

FIFTH: To plaintiff, the sum of \$_____ advanced for real estate taxes, hazard insurance premiums, and property protection. [Include this paragraph only if a motion for advances has been filed].

SIXTH: The balance, if any, to the Clerk of Courts to be held pending further order.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the escrow agent pay the funds in its possession according to the above amended order of distribution.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to RC 2329.152(D)(1)(c), the sum distributed to the private selling officer under "THIRD" above may not be included in the calculation of any deficiency judgment.

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