

## **Instructions for Motion to Stay for the Purpose of Seeking a Resolution with Plaintiff:**

The form can be used to request a stay to permit a party to apply for a loan modification or otherwise resolve the case.

1. Fill in the blanks in the caption with the case information. The case information may be obtained by searching with the case number or the property address on the Court's docket located at <http://cpdocket.cp.cuyahogacounty.us>.
2. Fill in your name wherever "Name of Defendant" appears.
3. Indicate whether you are seeking the stay to apply for a loan modification or are seeking some other resolution by checking the appropriate box. If you chose "other resolution," provide a short description the resolution you are seeking.

Please note that requests for stays to pursue non-retention options, such as a short sale or "cash for keys," are less likely to be granted than where a party is seeking a loan workout to keep the property.

4. Provide a justification for the requested stay. Add pages if necessary. The court will need to determine that a settlement is possible given the defendant's financial circumstances, the value of the property, and the amount due on the loan. The party seeking the stay should be able to state that the party has income in excess of his or her expenses and can afford a mortgage payment. **Failure to provide a sufficient justification for the stay may result in the request for stay being denied.**
5. Sign the Motion and include your contact information.
6. Complete and sign a Certificate of Service for the Motion. See the form titled "Certificate of Service" for more information. The addresses of the parties and/or their attorneys may be found by searching with the case number on the Court's docket located at <http://cpdocket.cp.cuyahogacounty.us>. Attach the completed Certificate of Service to your Motion.
7. Mail a copy of your Motion to the parties listed in the Certificate of Service.
8. File your motion with the Cuyahoga County Clerk of Court.
9. **If you fail to do any of the above, your Motion will likely be denied.**
10. Under Civ.R. 6(C), the other parties in the case have at least 14 days to respond to your Motion. Do not expect a ruling until after these 14 days have passed. Check the Court's docket located at <http://cpdocket.cp.cuyahogacounty.us> for a ruling on your Motion.

**COURT OF COMMON PLEAS  
GENERAL DIVISION  
CUYAHOGA COUNTY, OHIO**

\_\_\_\_\_  
Plaintiff

vs.

\_\_\_\_\_  
Defendant

CASE NO. \_\_\_\_\_

JUDGE \_\_\_\_\_

**MOTION TO STAY FOR THE  
PURPOSE OF SEEKING A  
RESOLUTION WITH  
PLAINTIFF**

Now comes defendant \_\_\_\_\_ and moves this Court to stay this  
[Name of Defendant]

case to permit the defendant to:

Apply for a loan modification; or

Otherwise resolve the case

[explain] \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This case is suitable for a stay because [state specific reasons and justification for your request]:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

Respectfully submitted,

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[Signature of Defendant]

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[Printed name of Defendant]

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[Address, phone number and email address  
of Defendant]

Certificate of Service

A copy of the foregoing Motion to Stay for the Purpose of Seeking a Resolution with Plaintiff has been sent by regular U.S. Mail to the following parties or their counsel of record:

[Please list all parties in the case or their attorneys and their addresses]

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[Signature of Defendant]

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[Printed name of Defendant]

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[Date]