

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

\_\_\_\_\_, )  
 ) Case No. CV \_\_\_\_\_  
Plaintiff, )  
 )  
vs. ) JUDGE \_\_\_\_\_  
 )  
 ) MOTION TO CONFIRM SALE  
\_\_\_\_\_, *et al.*, ) WITHOUT LOCAL RULE 27  
 ) NOTICE  
Defendants. )

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 notice. In *Central Trust Co. v. Janson*, (1993), 67 Ohio St. 3d 140, 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*, 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,

\_\_\_\_\_  
Attorney

CERTIFICATE OF SERVICE

A copy of the foregoing motion 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

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

\_\_\_\_\_, )  
 )  
 Plaintiff, ) Case No. CV \_\_\_\_\_  
 )  
 vs. ) JUDGE \_\_\_\_\_  
 )  
 ) ORDER GRANTING  
 ) MOTION FOR SUPPLEMENTAL  
 \_\_\_\_\_, *et al.*, ) 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

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JUDGE

Last revised: 12-14-16