

Instructions for Motion to Distribute Funds – Property Owner:

This form may be used by a former property owner who desires to obtain leftover funds from a foreclosure sale. The former owner will be entitled to any funds remaining after all parties who have asserted liens on the property have been paid. You must have been the owner of the property as of the date of the Sheriff's Sale to be entitled to such funds.

If you are the heir of a deceased owner, you may be entitled to all or part of the deceased owner's share of the funds. The Court will not consider motions or requests by those who are not parties to the case. As a consequence, if an heir of the owner is not a party to the case, the heir must intervene – see form titled "Motion to Intervene of Heir of Owner". In addition, the heir must provide documentation that the Probate Court has awarded the deceased owner's share of the proceeds to the heir. Contact the Probate Court or visit the Probate Court's website at <http://probate.cuyahogacounty.us/> for more information on how to do this.

1. Fill in the blanks in the caption with information from the case in which you were the purchaser. This 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. Fill in the amount of funds you are seeking where "Amount of proceeds" appears. The amount of proceeds being held by the Sheriff's may be obtained by searching with the case number on the Court's docket located at <http://cpdocket.cp.cuyahogacounty.us>, or by calling the Sheriff's Land Sales Department at 216-443-6226.
4. Sign the Motion and include your contact information.
5. Sign and complete the Certificate of Service. See the form titled "Certificate of Service" for more information. The parties' addresses may be obtained 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.
6. Mail a copy of your Motion to the parties listed in the Certificate of Service.
7. File your motion with the Cuyahoga County Clerk of Courts.
8. **If you fail to do any of the above, your Motion will likely be denied.**
9. 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. Moreover, if the Court determines that all parties who have asserted an interest in property have not been paid, the Court may allow additional time for those parties to assert their right to the funds. 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

CASE NO. _____

vs.

JUDGE _____

Defendant

MOTION TO DISTRIBUTE FUNDS

Now comes Defendant _____ and moves this Court to order the Sheriff
[Name of Defendant]
to distribute the proceeds of the Sheriff's Sale in the amount of _____.
[Amount of proceeds]
Defendant _____ was the owner of the subject property at the time of sale. All
[Name of Defendant]
lienholders who have asserted an interest in the property superior to _____ have
[Name of Defendant]
been satisfied from the Sheriff's Sale proceeds. Accordingly, Defendant _____ is
[Name of Defendant]
entitled to the proceeds requested. A copy of Defendant's driver's license or other form of
identification is attached.

Respectfully submitted,

[Signature of Defendant]

[Printed name of Defendant]

[Address, phone number and email address
of Defendant]

Certificate of Service

A copy of the foregoing Motion to Distribute Funds 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]

[Signature of Defendant]

[Printed name of Defendant]

[Date]