

HOW TO REDEEM YOUR PROPERTY AFTER A SHERIFF'S SALE

Instructions and Motion Packet for Mortgage or Judgment Lien Foreclosures

If your home or real estate was sold at a Sheriff's Sale, Ohio law lets you "buy back" (redeem) your property.

CRITICAL TIME LIMIT:

You must file this motion and pay the full redemption amount **AFTER** the Sheriff's Sale happens, but **BEFORE** the judge signs the court entry confirming the sale. Once the court confirms the sale, it is too late to keep your home. You may also file a **motion to stay confirmation** (AVAILABLE ON [Magistrates | CCCCPC](#)) of the sale to prevent the sale from being confirmed while you obtain this information.

Do NOT use this form if any of the following apply to you:

1. **The Sheriff's Sale has not happened yet.** Contact the bank or lender's lawyer directly to negotiate.
2. **This is a Tax Foreclosure case.** Call the Cuyahoga County Treasurer at (216) 443-7400 or call the plaintiff's attorney
3. **The foreclosing bank or lender bought the property back at the sale.** Contact their lawyer directly. Doing this saves you money because you do not have to pay extra court fees.

Redemption in mortgage and lien foreclosures requires time, effort, and attention to detail. You will have to make somewhat complex calculations regarding interest and poundage (again, explained below). **You should consider hiring counsel to obtain**

To prepare a motion to redeem:

STEP 1: Gather Information

All amounts must be calculated up to the exact date you file your motion. When you make your phone calls, tell the person on the phone that you are preparing to file a Motion to Redeem Property and ask for the specific information below:

1. **Check Case Info Online:** Go to <http://cpdocket.cp.cuyahogacounty.gov>. Search your case number or address. Write down the full case number, the Judge's name, the date of the Foreclosure Judgment, the date of the Sheriff's Sale, and the names/addresses of all parties and attorneys.
 - o Information on how to find the information can be found under (link):
 1. The case summary tab
 2. Docket tab

3. The parties tab
2. **Call the Sheriff's Office at (216) 443-6227, (216) 443-6020, or (216) 443-5585:**
 - **Ask for:** The TOTAL amount paid by the purchaser UP TO TODAY'S DATE, the date they paid it, the purchaser's name, and the Sheriff's sale costs.
2. **Call the Clerk of Courts at (216) 443-7982:**
 - **Ask for:** The total amount of Clerk court costs owed UP TO TODAY'S DATE.
3. **Call the Cuyahoga County Treasurer at (216) 443-7400 (or 216-443-7420):**
 - **Ask for:** The total real estate taxes due UP TO TODAY'S DATE.
4. **Call the plaintiff's Attorney:** Find the attorney's phone number on the court docket under "Case Parties."
 - **Ask for:** The full payoff amount owed to the lender (principal, interest, and fees) calculated UP TO TODAY'S DATE.
 - The redemption amount changes daily. Obtain updated payoff figures and calculate all amounts using the date you file your motion
 - There are cases where property owners have difficulty communicating with the plaintiff's attorney or obtaining payoff quotes. If you experience this difficulty, you can file a motion requesting that the court set a date to discuss the redemption (*form and instructions available on [Magistrates | CCCCCP](#)*).

STEP 2: Fill Out the Calculation Worksheet

(AN EXAMPLE IS AVAILABLE ON [Magistrates | CCCCCP](#))

Complete Part 1 through Part 4 below to find the exact total amount of money you must deposit with the Clerk of Courts. (See the **Redemption Calculation Worksheet** on the next page.)

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Redemption Calculation Worksheet

PART 1 — REQUIRED AMOUNTS (FILL IN)

- A. Clerk of Court costs: _____
- B. Sheriff's sale costs: _____
- C. Real estate taxes due: _____
- D. Amount owed to lender/lienholder (principal + interest + advances): _____
- E. Purchaser interest at 8% per year (Calculate in Part 2 below): _____

Subtotal (A + B + C + D + E): _____

PART 2 — PURCHASER INTEREST (8% PER YEAR)

This is interest owed to the third-party buyer on the total amount the purchaser has paid UP TO TODAY'S DATE.

Formula: Interest = (Amount Paid × 0.08) ÷ 365 × Number of Days

Purchaser Payment Amount (**TOTAL AMOUNT PAID BY PURCHASER UP TO TODAY'S DATE**): \$ _____

Date purchaser paid/deposited: _____

Redemption date (**THE DATE THIS FORM IS BEING FILED**): _____

Number of days between deposit date and redemption date: _____

Interest calculation:

(\$ _____ × 0.08) ÷ 365 × _____ days = \$ _____ (Enter on line E of part 1)

PART 3 — CLERK POUNDAGE

Poundage is the fee the court charges to handle your money. It is calculated on your Subtotal from Part 1.

Rule: You pay 2% on the first \$10,000 of your subtotal, PLUS 1% on any amount over \$10,000.

1. Deposit amount without poundage (from subtotal above): \$ _____
2. First \$10,000 Fee: **\$200.00** (This is 2% of \$10,000)
3. Subtotal over \$10,000: Take your Subtotal from Part 1 and subtract \$10,000.
\$ _____ (Subtotal) - \$10,000 = \$ _____
4. 1% on the Remaining Amount: \$ _____ x 0.01 = \$ _____
5. **TOTAL POUNDAGE:** Add \$200.00 + the amount from Step 4: Line F = \$ _____

PART 4 — TOTAL REDEMPTION AMOUNT

Total Redemption Amount = Subtotal + Poundage

TOTAL AMOUNT TO DEPOSIT WITH CLERK: \$ _____

(AN EXAMPLE IS AVAILABLE ON [Magistrates | CCCCCP](#))

STEP 3: How To Fill Out Motion For Redemption

1. **Top of the Form** (Case Caption)
 - a. Look at your foreclosure court papers or search your address at <http://cpdocket.cp.cuyahogacounty.gov>. Copy over the **Case Number, Judge's Name, and Plaintiff/Defendant** names exactly as they appear.
 - b. Your Name: Print your full legal name anywhere it says [**Name of defendant**]
2. Fill in the blanks with the matching information
3. Sign your name, print your name and write down your address, phone number and email address.
4. Complete and sign a Certificate of Service for the Motion.
 - a. Instructions on how to complete "Certificate of Service" are available on [Magistrates | CCCCP](#).
 - b. Information on how to find any other parties and/or their attorneys can be found under (link):
 - The parties tab
 - c. Attach the completed Certificate of Service to your Motion.
5. Mail a copy of your Motion to all the parties listed in the Certificate of Service.
6. File your motion with the Cuyahoga County Clerk of Courts.
7. **If you fail to do any of the above, your Motion will likely be denied.**

How to Fill Out Your Proposed Redemption Order

The Proposed Order is the official court document the Judge signs if they approve your motion. Think of it as a form where you fill in the blanks using information you get from the court website and a few phone calls.

1. **Top of the Form** (Case Caption)
 - a. Look at your foreclosure court papers or search your address at <http://cpdocket.cp.cuyahogacounty.gov>. Copy over the **Case Number, Judge's Name, and Plaintiff/Defendant** names exactly as they appear.
 - b. Your Name: Print your full legal name anywhere it says [**Name of defendant**].
8. **Key Dates & Purchaser Info**
 - a. Dates Needed from the Court Docket <http://cpdocket.cp.cuyahogacounty.gov>
 - **Date of the Sale:** Find the date the Sheriff sold the property.
 - b. Purchaser Info (Call the Sheriff's Office):
 - Call (216) 443-6227, (216) 443-6020, or (216) 443-5585.
 - **Ask for:** The buyer's name, the date they paid, and the TOTAL amount paid by the purchaser UP TO TODAY'S DATE (both the deposit and any remaining balance paid). Write these on the purchaser lines.

9. Fill In the Payment Amounts

Take the final numbers from your Redemption Calculation Worksheet and write them on the matching lines.

10. File it (turn it in)

Attach this completed Proposed Redemption Order to your Motion to Vacate Judgment and For Approval of Redemption and file both documents with the Clerk of Courts.

What Happens After You File Your Motion?

The magistrate may set a hearing on your motion or might otherwise instruct you as to when you must submit your certified funds in the redemption amount to the Clerk. You will need to check the docket court DAILY ([link](#)). Your redemption must be made with a certified check.

You should be prepared to submit the funds immediately with little advance notice because the redemption amount changes daily.

When called upon to do so, submit the certified redemption funds to the Clerk.

Upon submission of the funds, the sale and decree of foreclosure may be vacated and the case dismissed.

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

CASE NO. _____

Plaintiff,

vs.

JUDGE _____

Defendant

**MOTION TO VACATE JUDGMENT
AND FOR APPROVAL OF
REDEMPTION**

Now comes the Defendant _____ and respectfully moves this
[Name of defendant]
court to permit defendant to redeem the property under RC 2329.33 by depositing
\$ _____ with the Clerk of Courts. Upon this deposit, defendant
[Redemption amount]
moves that the court vacate the sheriff's sale, vacate the judgment and decree of foreclosure
previously entered herein, and dismiss the case with prejudice.

Defendant states that plaintiff obtained a decree of foreclosure and judgment on its
mortgage. The sheriff sold the property to a third-party, _____
[Name of purchaser]
who deposited \$ _____ on _____. The purchaser paid the
[Amount of deposit] [Date of deposit]
balance of the bid in the amount of \$ _____ on _____.
[Additional amount paid] [Date additional amount paid].

The redemption amount consists of the following (CALCULATED UP TO THE DATE OF THIS FILING):

1. Clerk's costs: \$ _____
2. Sheriff's costs: \$ _____
3. Amounts due foreclosing lienholder: \$ _____
[Full amount due foreclosing lienholder,
including interest through the date of redemption and advances]
4. Interest to the purchaser: \$ _____
[Amount of interest due purchaser on the sums
paid by the purchaser]

5. Poundage payable to the Clerk on this deposit: \$ _____

Respectfully submitted,

[Signature of defendant]

[Printed name of defendant]

[Address, phone number and email address]

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Certificate of Service

A copy of the foregoing Motion To Vacate Sale has been sent by regular **U.S. Mail** to the following parties or their counsel of record on _____, 20____ :
[month and day] [year]

[Name of Attorney/Unrepresented Party]

[Name of Attorney/Unrepresented Party]

[Address]

[Address]

[List any additional parties in the case and the sheriff's sale purchaser, or their attorneys and their addresses.]

[Your Signature]

[Your name printed]

IN THE COURT OF COMMON PLEAS

GENERAL DIVISION

CUYAHOGA COUNTY, OHIO

CASE NO. _____

Plaintiff,

vs.

JUDGE _____

Defendant

**REDEMPTION JOURNAL ENTRY -
FINAL**

This cause is before the Court on the motion of defendant _____ to
[Name of defendant]
vacate judgment and for approval of redemption and the parties' filings related to said motion.
Upon consideration thereof, the Court finds that, pursuant to RC 2329.33, defendant is entitled
to an order redeeming the property upon the tendering of certain funds required by RC 2329.33
to the Clerk of Courts. Since defendant has sufficient funds to redeem the property, defendant's
motion is granted.

IT THEREFORE IS ORDERED, ADJUDGED, AND DECREED that upon the deposit
of certified funds with the Clerk of Courts in the amount of _____, the sheriff's
[Redemption amount – see
instructions]
sale of _____ and the judgment and decree of foreclosure of _____
[Date of sale] [Date of judgment and decree
of foreclosure]
are vacated.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the case is
dismissed with prejudice.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Sheriff return to

the purchaser all amounts paid by the purchaser.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk distribute the redemption deposit as follows:

- Retain Clerk's costs in the amount of _____.
[Amount of court costs – see instructions]
- To the Sheriff, Sheriff's costs in the amount of _____.
[Amount of Sheriff's costs for the sale
– see instructions]
- To the Cuyahoga County Treasurer, taxes in the amount of _____.
[Amount of real estate
taxes – see instructions]
- To the foreclosing lienholder _____, the amount of
[Name of foreclosing lienholder]
_____.
[Full amount due plaintiff, including interest through
the date of redemption and advances, see instructions]
- To the sheriff's sale purchaser, interest on amount paid in the amount of
_____.
[Amount of interest due purchaser on the
sums paid by the purchaser – see instructions]
- Retain Clerk's poundage in the amount of _____.
[Amount of poundage –
see instructions]

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