

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

\_\_\_\_\_, )  
 )  
Plaintiff, ) Case No. CV \_\_\_\_\_  
 )  
vs. ) JUDGE \_\_\_\_\_  
 )  
\_\_\_\_\_, *et al.*, ) MOTION TO DISTRIBUTE  
 ) BALANCE OF FUNDS  
 )  
Defendants. )

Now comes the defendant \_\_\_\_\_ and moves the court for an order authorizing the Clerk of Courts to distribute to said defendant the balance of the sheriff's sale proceeds. The Clerk of Courts is presently holding the sum of \$ \_\_\_\_\_ as proceeds of the sheriff's sale. Defendant \_\_\_\_\_ was the owner of the subject property at the time of sheriff's sale. All parties with an interest in the property superior to defendant \_\_\_\_\_ have been satisfied from the sheriff's sale proceeds or have waived their interest in favor of defendant. Therefore, as the owner of the property on the date of the sheriff's sale, defendant \_\_\_\_\_ is entitled to the balance of the proceeds presently being held by the Clerk of Courts.

Respectfully submitted,

\_\_\_\_\_  
Defendant

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 (obtainable from the docket)]

\_\_\_\_\_  
Defendant

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

\_\_\_\_\_, )  
 )  
 Plaintiff, ) Case No. CV \_\_\_\_\_  
 )  
 vs. ) JUDGE \_\_\_\_\_  
 )  
 ) RULING ON  
 ) MOTION TO DISTRIBUTE  
 \_\_\_\_\_, *et al.*, ) BALANCE OF FUNDS  
 )  
 Defendants. )

This matter comes before the court on the motion of defendant \_\_\_\_\_ to distribute balance of funds. The court finds that the motion is well taken and the same is hereby granted.

The court finds that on the date of the sheriff's sale of the subject property, title to the property was held by defendant \_\_\_\_\_.

The Clerk of Courts is holding the sum of \$\_\_\_\_\_ as proceeds of the sheriff's sale. All parties with an interest in the property superior to defendant \_\_\_\_\_ have been satisfied from the sheriff's sale proceeds or have waived their interest in favor of defendant. Therefore, as the owner of the property on the date of the sheriff's sale, defendant \_\_\_\_\_ is entitled to the balance of the proceeds presently being held by the Clerk of Courts. Accordingly, defendant \_\_\_\_\_ is entitled to the balance of these 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 \$ \_\_\_\_\_ which represents the balance of the sheriff's sale proceeds.

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

Last revised 12-16-16