

Instructions for Motion to Distribute Excess Funds

This form may be used by a judgment debtor whose property was the subject of a foreclosure sale when excess funds resulting from the sale were deposited with the Lake County Clerk of Courts. The judgment debtor will be entitled to any funds remaining after all parties who have asserted liens on the property have been paid.

If you are the heir of the deceased judgment debtor, you may be entitled to all or part of the deceased judgment debtor'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 <https://www.lakecountyohio.gov/probate-court/> for more information on how to do this.

This motion must be filed with the Lake County Clerk of Courts noted within the timeframe provided in the Notice to Judgment Debtor of Excess Funds in the underlying case where the property was sold. This MUST be filed electronically via eFile. You must register to eFile by clicking on "Self Representing Litigants Registration" under the heading "ATTORNEY REGISTRATION" (located on the left-hand side of the webpage) on the Lake County Clerk of Courts' website: <https://phoenix.lakecountyohio.gov/eservices>.

If you need assistance with completing this form, please contact an attorney. The Lake County Clerk of Courts' staff cannot provide anyone with legal advice or assistance with forms.

**COURT OF COMMON PLEAS
GENERAL DIVISION
LAKE COUNTY OHIO**

Case No.: _____

Plaintiff

VS.

JUDGE _____

Defendant

**MOTION TO DISTRIBUTE EXCESS FUNDS
(O.R.C. 2329.44)**

Now comes the Defendant, _____, and moves this Court to make a
[name of Defendant]
determination of distribution of the excess funds of the property sale in the amount of \$ _____.
[amount of excess funds]

Defendant _____ was the judgment debtor whose property was the subject of
[name of Defendant]
the sale in this matter. Pursuant to Local Rule 7.04(E), all lienholders who have an interest in the property are required to assert such
interest within 60 days of the entry of the confirmation of sale. Accordingly, Defendant _____ is only entitled
[name of Defendant]
to the excess funds remaining after all such superior interests have been satisfied.

Respectfully submitted,

Signature of Defendant

Printed name of Defendant

Address

City, State, Zip

Email address

Phone number

Certificate of Service

A copy of the foregoing Motion to Distribute Excess Funds was served upon the following parties, or their counsel of record, on this _____ day of _____, 20____, in the following method of service indicated:

Signature of Defendant

Printed name of Defendant

Date