

**[Fill in the spaces next to the instructions. Other spaces are for Court use.]**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

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<p>_____, <b>[2. Fill in name(s)]</b> Plaintiff(s)</p> <p>-against-</p> <p>_____, <b>[3. Fill in name(s)]</b> Defendant(s)</p>	<p><b>[1. Index No. &amp; Year]</b> Index No. _____ / _____</p> <p>NOTICE OF MOTION TO CONFIRM REFEREE REPORT OF SALE &amp; DISBURSE SURPLUS MONIES</p>
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UPON the annexed report of sale of **[4. Insert Referee Name & attach Report of Sale]** \_\_\_\_\_, Esq., the Referee appointed to sell in the proceeding herein, filed in the Office of the Clerk of the County of Nassau on **[5. Insert date Report of Sale filed]** \_\_\_\_\_, the annexed affidavit(s) of **[6. Your name(s)]** \_\_\_\_\_, sworn to on **[7. Date the Affidavit was sworn to before a notary public]** \_\_\_\_\_, 20\_\_\_\_, the Certification of the Clerk of the County of Nassau showing no exceptions to the Referee's Report of Sale and no claims to the surplus money other than that of the defendant/fee owner aforementioned, the report of the Treasurer of the County of Nassau dated on **[8. Insert date of report of Treasurer & attach Report of Treasurer]** \_\_\_\_\_, bearing the number **[9. Insert Number of Report of Treasurer]** \_\_\_\_\_, showing the amount of **[10. Insert the amount on deposit]**\$\_\_\_\_\_ currently on deposit with the Treasurer, exclusive of interest and upon all pleadings and proceedings filed heretofore. **[11. Circle one]** the plaintiff(s)/defendant(s) **[12. Your Name]** \_\_\_\_\_, will move in this court at 9:30am **[13. Insert return date]** \_\_\_\_\_, 20\_\_\_\_ at the Courthouse, 100 Supreme Court Drive, Mineola, New York, in IAS Term Part \_\_\_\_\_, before **[14. Insert Name of Justice]** the Hon. \_\_\_\_\_ for an Order, confirming the Referee's Report of Sale and directing the Treasurer of the County of Nassau to disburse the surplus monies in the amount of **[15. Insert the amount on**

deposit with Treasurer]\$ \_\_\_\_\_, less any fees due to the Treasurer to [16. Your Name] \_\_\_\_\_.

PLEASE TAKE FURTHER NOTICE, that pursuant to Civil Practice Law Section 2214(b), you are hereby required to serve copies of your answering affidavits on the undersigned no later than seven days prior to the date set forth above for the submission of this motion.

**[17. For this CPLR 2214b paragraph to apply, motion papers *must* be served by personal delivery no later than 12 days before the return date or served by mail no later than 17 days before the return date.]**

**[18. Date and County papers are signed in]**

Dated: \_\_\_\_\_, New York  
\_\_\_\_\_, 20\_\_

\_\_\_\_\_  
**[19. Your Signature]**

\_\_\_\_\_  
**[20. PRINT YOUR NAME]**

\_\_\_\_\_  
**[21. YOUR ADDRESS]**

\_\_\_\_\_  
**[22. CITY, STATE ZIP CODE]**

\_\_\_\_\_  
**[23. YOUR PHONE NUMBER]**

To: Attorney for Plaintiff/Defendant **[24. Circle One]**

\_\_\_\_\_  
**[25. Attorney Name]**

\_\_\_\_\_  
**[26. Address]**

\_\_\_\_\_  
**[27. City, State Zip Code]**

\_\_\_\_\_  
**[28. Phone Number]**

**[Fill in the spaces next to the instructions. Attach copies of the indicated documents and mark them as exhibits. Sign your name in the presence of a notary public]**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X

\_\_\_\_\_,  
**[30. Fill in name(s)]** Plaintiff(s)

-against-

\_\_\_\_\_,  
**[31. Fill in name(s)]** Defendant(s)

-----X

STATE OF NEW YORK,  
COUNTY OF \_\_\_\_\_ ss: **[32. County]**

**[33. Your name]** \_\_\_\_\_, being duly sworn, deposes and says:

1) I am the **[34. Circle one]** plaintiff/defendant, in this action. I make this affidavit in support of my motion for an order **[35. State what you want the Court's Order to provide/grant you include why you should be granted immediate relief pending the hearing of this motion by the Court. The above statement must also be included in the Order to Show Cause or Notice of Motion.]** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2) I believe the Court should grant my motion because **[36. Explain your reasons. Attach additional pages if necessary]**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**[29. Index No. & Year]**

Index No.

\_\_\_\_\_/\_\_\_\_\_  
AFFIDAVIT IN SUPPORT

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3) A prior application **[37. Check that a prior application has been made only if you are seeking the same relief again]** \_\_\_\_ has or \_\_\_\_ has not been made for the relief requested herein. If a prior application has been made then provide the following information **[38. What Court, when, who made the application, the result of the application, attach a copies of the application and explain why you are making another application.]**

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WHEREFORE, I respectfully request that this motion be granted, and that I have such other and further relief as the Court may find to be just and proper.

\_\_\_\_\_  
**[39. SIGN YOUR NAME BEFORE NOTARY]**

\_\_\_\_\_  
**[40. PRINT YOUR NAME]**

Sworn to before me this  
day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public  
**[41. Affidavit must be notarized]**

**[Fill in the spaces next to the instructions. Other spaces are for Court use.]**

At a(an) IAS/Special Term Part \_\_\_  
of the Supreme Court of the State  
of New York, held in and for the  
County of Nassau, at the  
Courthouse thereof, located at  
100 Supreme Court Drive, Mineola,  
New York on the \_\_\_ day of  
20\_\_\_\_\_

PRESENT: HON. \_\_\_\_\_  
Justice of the Supreme Court

-----X

\_\_\_\_\_,  
**[43. Fill in name(s)]** Plaintiff(s)

-against-

\_\_\_\_\_,  
**[44. Fill in name(s)]** Defendant(s)

-----X

**[42. Index No. & Year]**

Index No.

\_\_\_\_\_/\_\_\_\_\_

ORDER TO CONFIRMING  
THE REFEREE'S REPORT  
OF SALE AND DIRECTING  
THE DISTRIBUTION OF  
SURPLUS MONIES

UPON the annexed report of sale of **[45. Insert Referee Name]**  
\_\_\_\_\_, Esq., the Referee appointed to sell in the proceeding herein,  
filed in the Office of the Clerk of the County of Nassau on **[46. Insert date Report of Sale  
filed]** \_\_\_\_\_, the annexed affidavit(s) of **[47. Your name(s)]**  
\_\_\_\_\_, sworn to on **[48. Date the Affidavit was sworn to  
before a notary public]** \_\_\_\_\_, 20\_\_\_\_, the Certification of the Clerk of  
the County of Nassau showing no exceptions to the Referee's Report of Sale and no claims  
to the surplus money other than that of the defendant/fee owner aforementioned, the report  
of the Treasurer of the County of Nassau dated on **[49. Insert date of report of Treasurer]**  
\_\_\_\_\_, bearing the number **[50. Insert Number of Report of  
Treasurer]** \_\_\_\_\_, showing the amount of **[51. Insert the amount on deposit with  
Treasurer]**\$\_\_\_\_\_ currently on deposit with the Treasurer, exclusive of interest and  
upon all pleadings and proceedings filed heretofore, and it appearing to the satisfaction of

this Court that proper notice has been provided to all those entitled thereto, and the motion having come before me on \_\_\_\_\_, and no one having appearing in opposition thereto, and due deliberation having been had thereon,

Now upon the motion of **[52. Your Name]**\_\_\_\_\_, defendant in this action, it is hereby

ORDERED, that the motion is hereby granted, and it is further

ORDERED, that the aforementioned report of sale is hereby in all respects ratified and confirmed, and it is further

ORDERED, that upon presentation of a certified copy of this Order upon him, the Treasurer of the County of Nassau is directed to pay to **[53. Your Name]**

\_\_\_\_\_, the sum of **[54. Insert the amount on deposit with Treasurer]** \$\_\_\_\_\_, less any fee due to the treasurer.

**ENTER**

\_\_\_\_\_  
JSC

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

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\_\_\_\_\_  
[56. Fill in name(s)]

Plaintiff(s)

[55. Index No. & Year]

Index No.

\_\_\_\_\_/\_\_\_\_\_  
\_\_\_\_\_

-against-

\_\_\_\_\_  
[57. Fill in name(s)]

Defendant(s)

-----X

\_\_\_\_\_

\_\_\_\_\_  
[58. Insert name(s) of papers submitted]

\_\_\_\_\_  
[59. YOUR SIGNATURE]

\_\_\_\_\_  
[60. PRINT YOUR NAME]

\_\_\_\_\_  
[61. YOUR ADDRESS]

\_\_\_\_\_  
[62. CITY, STATE ZIP CODE]

\_\_\_\_\_  
[63. YOUR PHONE NUMBER]