

[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

-----X

_____,
[2. Fill in name(s)] Plaintiff(s) **[1. Index No. & Year]**
Index No. _____ / _____

-against-

_____,
[3. Fill in name(s)] Defendant(s) **NOTICE OF MOTION**
TO CONFIRM REFEREE
REPORT OF SALE &
DISBURSE SURPLUS
MONIES

-----X

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]**

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.]**

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)

[42. Index No. & Year]

Index No.

_____/_____

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

-----X

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

-----X

[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]