

**IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO**

\_\_\_\_\_ : Case No. \_\_\_\_\_  
Plaintiff, : JUDGE \_\_\_\_\_  
v. :  
\_\_\_\_\_, *et. al.*, :  
Defendants.

**DEFENDANT'S MOTION TO SET ASIDE SHERIFF'S SALE & REQUEST FOR  
MEDIATION ORDER**

Defendant \_\_\_\_\_, requests that this Court set aside the Sheriff's Sale scheduled for \_\_\_\_\_ for the reasons set forth in the attached Memorandum in Support. Further, Defendant requests that the Court order parties to participate in Mediation and a Stay of Proceedings until such time that Mediation is completed.

Respectfully submitted,

\_\_\_\_\_  
Defendant, Pro Se

Name:

Address:

Telephone Number:

**MEMORANDUM IN SUPPORT**

Defendant is working with a local HUD-certified housing counselor to negotiate a workout with the mortgage company. However, because this process takes a considerable amount of time, Defendant requests that the Court Order the Sheriff's Sale to be Withdrawn in order to complete the loss mitigation process. Defendant is in a financial position to keep the home and it would be inequitable to lose the home without the opportunity to negotiate a mutually satisfactory resolution to this foreclosure case. Defendant further requests that the parties be ordered into mediation in order to negotiate some terms of agreement that may be satisfactory to both parties.

Ohio Rev. Code § 2323.06 states:

In an action for the foreclosure of a mortgage, the court may at any stage in the action require the mortgagor and the mortgagee to participate in mediation as the court considers appropriate and may include a stipulation that requires the mortgagor and the mortgagee to appear at the mediation in person.

Defendant would like the opportunity to exercise what the Ohio legislature deemed important enough to enact into law.

Therefore, Defendant, \_\_\_\_\_, requests this Court to Order that:

(1) The Sheriff's Sale of the property at \_\_\_\_\_ scheduled for \_\_\_\_\_ be set aside;

(2) The matter be referred to the Franklin County Foreclosure Mediation Project for mediation and include such stipulation that requires Plaintiff to have available, in person or by phone, a representative with authority to negotiate a resolution to this foreclosure case.

(3) A Stay of any further proceedings so that parties may focus their efforts on resolving the controversy through the mediation process.

Respectfully submitted,

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Defendant, Pro Se

Name:

Address:

Telephone Number:

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served upon the following on this date \_\_\_\_\_ by ordinary U.S. Mail, postage prepaid:

(Names & Addresses of All Attorneys & Other Parties on Complaint)

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Defendant, Pro Se

Name:

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Plaintiff, : JUDGE \_\_\_\_\_  
v. :  
\_\_\_\_\_, *et. al.*, :

Defendants.

**JUDGMENT ENTRY SETTING ASIDE SHERIFF'S SALE AND  
ORDERING MEDIATION**

This matter is before the Court upon Defendant's Motion to Set  
Aside Sheriff's Sale scheduled for \_\_\_\_\_ and Request  
for Mediation.

For good cause shown, the Court hereby sets aside the Sheriff's Sale  
Scheduled for \_\_\_\_\_ and orders the parties into  
Mediation. The Court further Orders the matter be referred to the Franklin  
County Foreclosure Mediation Project for mediation and include such stipulation  
that requires Plaintiff to have available, in person or by phone, a representative  
with authority to negotiate a resolution to this foreclosure case. All proceedings  
in this matter are stayed pending the outcome of mediation.

**IT IS SO ORDERED.**

\_\_\_\_\_  
JUDGE