

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU  
REQUIREMENTS FOR ORDER CONFIRMING REFEREE'S REPORT OF  
SALE AND FOR DISTRIBUTION OF SURPLUS MONIES**

*For additional assistance, please contact:  
NASSAU SUPREME COURT  
OFFICE FOR THE SELF REPRESENTED  
100 Supreme Court Drive  
Room 240A  
Mineola, New York  
(516) 571-3291*

1. Use same caption and index number as on Judgment of Foreclosure and Sale
2. Requires certificate from County Clerk as to notices of appearance filed and notices of claim to surplus monies filed.
3. Requires numbered certificate from County Treasurer as to how much money, including interest, is currently being held.
4. Requires copy of referee's report of sale (from case file in County Clerk)
5. If notices of appearance were filed, copies must be made and provided to court.  
*Must then proceed by motion on notice to those filing said notices.*
6. Certified copy of order (obtain from County Clerk once the order has been entered) must be filed with the County Treasurer.

**Please Note:**

*The County Treasurer has informed us that refund checks take approximately three (3) weeks, from date Order is filed with his office, to be issued.*

INSTRUCTIONS: FILL IN THE BLANKS AND THE INDEX NUMBER. USE THE CAPTION OF THE FORECLOSURE ACTION. PRINT LEGIBLY USING BLACK INK ONLY.

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU**

-----x

**Plaintiff**

**Index No.** \_\_\_\_\_

**-against-**

**NOTICE OF MOTION TO CONFIRM  
REFEREE'S REPORT OF SALE AND  
DISBURSE SURPLUS MONIES**

**Defendant**

-----x

UPON the annexed report of sale of \_\_\_\_\_, Esq., the Referee appointed to sell in the proceeding herein, filed in the Office of the Clerk of the County of Nassau on \_\_\_\_\_, 20\_\_, the annexed affidavit of \_\_\_\_\_, duly sworn to on \_\_\_\_\_, 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 \_\_\_\_\_, 20\_\_, bearing the number \_\_\_\_\_, showing the amount of \$\_\_\_\_\_ currently on deposit with the Treasurer, inclusive of interest, and upon all pleadings and proceedings filed heretofore,

\_\_\_\_\_ will move this Court on the \_\_\_ day of \_\_\_\_\_, 20\_\_ at 9:30 in the forenoon at IAS Term Part \_\_\_ before 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 \$\_\_\_\_\_, less any fees due to the Treasurer, to \_\_\_\_\_.

Please take notice that pursuant to CPLR 2214b, answering affidavits, if any, are required to be served upon the undersigned at least seven days before the return date of this motion.

\_\_\_\_\_  
[SIGNATURE OF MOVANT]

\_\_\_\_\_  
[PRINT MOVANT'S NAME]

\_\_\_\_\_  
[MOVANT'S ADDRESS]

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Instructions: FILL IN THE NAMES OF THE PARTIES AND THE INDEX NUMBER. COMPLETE THE BLANK SPACES NEXT TO THE INSTRUCTIONS PRINTED IN BOLD TYPE. PRINT AND USE BLACK INK ONLY. SIGN YOUR NAME IN THE PRESENCE OF A NOTARY PUBLIC.**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----x

\_\_\_\_\_  
[FILL IN NAME (S)] Plaintiff (s)

Index No.  
\_\_\_\_\_/\_\_\_\_

Vs.

AFFIDAVIT  
IN SUPPORT

\_\_\_\_\_  
[FILL IN NAME (S)] Defendant (s)

-----x

STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_ [COUNTY WHERE NOTARIZED] ss:

\_\_\_\_\_ [YOUR NAME], being duly sworn,

deposes and says:

1. I am the plaintiff/defendant [CIRCLE ONE], in this action. I make this affidavit in support of my motion for an order [STATE WHAT YOU WANT THE COURT'S ORDER TO PROVIDE OR GRANT YOU INCLUDING WHY YOU SHOULD BE GRANTED IMMEDIATE RELIEF PENDING THE HEARING OF THIS MOTION BY THE COURT. THIS STATEMENT MUST ALSO BE INCLUDED IN THE NOTICE OF MOTION OR ORDER TO SHOW CAUSE]

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

2. I believe the Court should grant my motion because [EXPLAIN YOUR REASONS, USE ADDITIONAL PAPER IF NECESSARY.]

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

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3. No prior application has been made for the relief sought herein except **[LIST ALL PRIOR REQUESTS FOR THE SAME RELIEF MADE IN THIS OR ANY OTHER COURT AND THE RESULTS OF THOSE APPLICATIONS. USE ADDITIONAL PAPER IF NECESSARY. IF NO PRIOR REQUESTS HAVE BEEN MADE, STATE "None"]** \_\_\_\_\_

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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.

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 200\_\_

\_\_\_\_\_  
**[SIGN YOUR NAME IN THE PRESENCE OF A NOTARY PUBLIC]**

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

\_\_\_\_\_  
Notary Public

INSTRUCTIONS- FILL IN THE BLANKS AND THE INDEX NUMBER. USE THE CAPTION OF THE FORECLOSURE ACTION. PRINT LEGIBLY USING BLACK INK ONLY.

At a(n) IAS (Special) Term Part\_\_ of the Supreme Court of the State of New York, held in and for the County of Nassau, in the Courthouse located at 100 Supreme Court Drive, Mineola, NY 11501 on the \_\_day of \_\_\_\_\_ 20\_\_

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU**

-----x

**Plaintiff**

Index No. \_\_\_\_\_

-against-

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

**Defendant**

-----x

**Present: Hon. \_\_\_\_\_ J. S. C.**

UPON the annexed report of sale of \_\_\_\_\_, Esq., the Referee appointed to sell in the proceeding herein, filed in the Office of the Clerk of the County of Nassau on \_\_\_\_\_, 20\_\_, the annexed affidavit of \_\_\_\_\_, duly sworn to on \_\_\_\_\_, 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 \_\_\_\_\_, 20\_\_, bearing the number \_\_\_\_\_, showing the amount of \$ \_\_\_\_\_ currently on deposit with the Treasurer, inclusive 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 appeared in opposition thereto, and due deliberation having been had thereon,

NOW upon the motion of \_\_\_\_\_, 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 of the referee 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 \_\_\_\_\_ the sum of \$ \_\_\_\_\_, less any fee due to the Treasurer.

**ENTER**

\_\_\_\_\_  
**J.S.C.**

INSTRUCTIONS: FILL IN THE BLANKS BELOW AND THE INDEX NUMBER. PUT A CHECK MARK NEXT TO EACH PAPER YOU ARE SUBMITTING. PRINT LEGIBLY AND USE BLACK INK ONLY.

Index No. \_\_\_\_\_20\_\_\_\_

**CERTIFICATION  
PURSUANT TO  
22 N. Y. C. R. R 130-1. 1-a**

I hereby certify that all of the papers that I have served, filed or submitted to the court in this action/proceeding (as indicated by the check marks, below) are not frivolous as defined in subsection (c) of Section 130-1.1 of the Rules of the Chief Administrator of the Courts.

- Note of Issue
- Poor Person Order
- Order permitting alternate service (if applicable)
- Summons or Summons with Notice
- Verified Complaint
- Affidavit of Service and/or Defendant's Waiver
- Notice of Appearance from opposing counsel
- Affidavit or affirmation of Regularity
- Affidavit or military status or Investigator
- Plaintiff's Affidavit
- Affidavit of Witness
- Exhibits, if any, including tax returns, etc.
- Defendant's Affidavit
- Petition
- Consent of Infant
- Consent of Spouse
- Emergency Affidavit
- Affidavit in Support of TRO against Public Officers, etc.
- Decision
- Judgment
- Reply Affidavit
- Notice of Entry
- Other (Specify) \_\_\_\_\_

Dated \_\_\_\_/\_\_\_\_/20\_\_\_\_

\_\_\_\_\_  
SIGNATURE [PRINT OR TYPE  
NAME BELOW SIGNATURE]

\_\_\_\_\_  
[PRINT YOUR NAME]

Duly sworn to me before this

\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Notary Public

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU**

-----X

\_\_\_\_\_  
*Plaintiff(s)/Petitioner(s)*

**Index Number** \_\_\_\_\_/\_\_\_\_\_

**-against-**

\_\_\_\_\_  
*Defendant(s)/Respondent(s)*

-----X

\_\_\_\_\_  
\_\_\_\_\_  
**[INSERT TYPE OF PAPERS SUBMITTED]**

\_\_\_\_\_  
**[SIGNATURE OF PARTY SUBMITTING]**

\_\_\_\_\_  
**[PRINT NAME OF PARTY SUBMITTING]**

\_\_\_\_\_  
**[INSERT ADDRESS OF PARTY SUBMITTING]**

\_\_\_\_\_  
**[INSERT PHONE NUMBER OF PARTY SUBMITTING]**