

STATE OF VERMONT
_____ **COUNTY, SS.**

PLAINTIFF

v.

DEFENDANT

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)
)
)
)

Superior Court
Docket No. ____ - -09 __cv

Motion for Confirmation Order [and Deficiency Judgment]

A Judgment and Decree of Foreclosure was entered on _____. All requirements have been met for the issuance of a Confirmation Order as set forth below and supported by the record and attached affidavit(s).

I. Execution of Power of Sale.

1. The record shows that no Defendant redeemed the property prior to the redemption date(s) set forth in the Decree, and mortgagor did not redeem prior to sale.
2. The record shows that Notices of Sale were served on the Mortgagor/ Defendant, and all tenants with a recorded interest at the time the lis pendens was filed, at least 60 days prior to the sale. To the extent that the first Notice of Sale did not specify the date and time of sale, a supplemental Notice of Sale was sent with a specific date and time at least 21 days prior to the sale. Certificates of service and copies of all such Notices of Sale have previously been filed with the Court or are attached.
3. A Notice of Sale was published for three successive weeks in _____, a newspaper of general circulation in the town of the property, on _____, _____, and _____; the first publication date was at least 21 days before _____, the date of sale. A copy of the published Notice of Sale has previously been filed with the Court, or is attached.
4. The Notices of Sale filed with the Court show that all required information was given:
 - a. recording information concerning the mortgage;
 - b. the identity of the mortgagor and original and current mortgagee and any assignments;
 - c. the date, time, and place of the sale (including the terms on which the sale could be adjourned);
 - d. the legal description of the premises;
 - e. the terms of the sale;
 - f. a statement that the mortgagor was entitled to redeem until the date of sale; and
 - g. information about where to inquire for additional terms.

5. A Report of Sale, filed with the Court on oath, shows that the sale took place on _____, 2009, that the sale took place in conformance with the Notices of Sale, that there were ____ bidders, and that the property was sold to the highest bidder, _____, for \$_____.

II. Proposed Distribution of Proceeds

Judgment amount due per Decree	\$_____
Per diem to sale: _____(days) X \$_____ (per diem)=	\$_____
Taxes paid by Plaintiff after accounting (per affid.)	\$_____
Expenses of sale (per affidavit):	
Auctioneer	\$_____
Other (specified)	\$_____
Total expenses	\$_____
 Total due Plaintiff	 \$_____
 Proceeds of sale	 \$_____
 Surplus, if any, payable as follows:	 \$_____
Senior lienholder	\$_____
Junior lienholder	\$_____
Mortgagor/Defendant	\$_____

[III. Motion regarding Deficiency

Plaintiff moves for [*choose one: default judgment or summary judgment*] on Count ___ in the complaint for a deficiency judgment in the amount of \$_____. See attached affidavit(s).

or

Plaintiff acknowledges that its claim for deficiency is satisfied.

or

Plaintiff dismisses its claim for further judgment with prejudice [or, for good cause shown by attached affidavit, without prejudice].]

WHEREFORE, Plaintiff requests that:

- 1) A Confirmation hearing be scheduled and a confirmation Order issue, and
- 2) Its claim for a deficiency judgment be disposed of as set forth above.]

Dated at _____ this _____ day of _____, 2009.

Attorney _____