

**JUDGE'S WORKSHEET TO DETERMINE AMOUNT OF OFFSET
AGAINST DEFICIENCY JUDGMENT**

This worksheet is for the judge's use only. Do not give to the jury.

If jury answered Issue 2 "Yes", and found that property was fairly worth the amount of the mortgage at the time of the foreclosure sale:

Defeats Deficiency Judgment;
0 to Plaintiff; Judgment for the
Defendant

If jury answered Issue 2 "No" and Issue 3 "No" finding that the plaintiff's bid was not substantially less than the true value of the property at the time of the foreclosure sale:

Deficiency Judgment in favor of
the Plaintiff
stands; the Defendant is not
entitled to any offset against
the Deficiency Judgment

If jury answered Issue 2 "No" and Issue 3 "Yes", use the below:

True Value of Property on
Date of Foreclosure Sale (Issue 4): _____

[minus] -

Amount Bid By Plaintiff at Foreclosure
Sale that Jury Found was Substantially
Less Than True Value (Issue 3): _____

N.C.P.I.-Civil. 855.18
FORECLOSURE-ACTION FOR DEFICIENCY JUDGMENT-SAMPLE VERDICT
FORM & JUDGE'S WORKSHEET.
GENERAL CIVIL VOLUME
JUNE 2014
N.C. Gen. Stat. § 45-21.36

[equal] =
Amount of Offset Defendant is entitled
to Against the Deficiency Judgment _____

1 *NOTE WELL: This issue is necessary only if the amount of the debt remains in dispute at the close of the evidence and has not been resolved by stipulation, summary judgment or directed verdict. It is anticipated in many cases that this will not be an issue.*

2 *NOTE WELL: In High Point Bank & Trust Co. v. Highmark Props., LLC, ___ N.C. App. ___, 750 S.E.2d 886 (2013), the Court held that once a borrower successfully obtained an offset pursuant to N.C. Gen. Stat. § 45-21.36, thereby reducing the borrower's indebtedness, the guarantor defendant could only be held responsible for any remaining amount of the borrower's indebtedness to the lender after the offset. ___ N.C. App. at ___, 750 S.E.2d at 888.*