



### **Foreclosure Posting Requirements**

All Foreclosures are Judicial. With the exception of certain high interest rate loans, there is no statutory requirement to provide any warning notice or notice of default before commencing foreclosure. The lender must provide all notice required under the Note. The mortgagee, through counsel, files a complaint naming all title holders and junior lien holders as defendants. Service must be by normal means, but if service cannot be accomplished by normal means, notice by publication is allowed with an affidavit of diligent effort. Once service is complete, the mortgagee files a motion for entry of a judgment which lays out the facts. Any defendant may oppose the motion by demanding an evidentiary hearing. If no opposition is made, or if the judge finds at the hearing that cause exists, a Judgment for Foreclosure is entered, including the amount owing and the sale schedule. The sale is set between 28 and 35 days after entry of the Judgment. The mortgagee is responsible for publishing the Notice of Sale per a form in the statute. The mortgagee may seek entry of a deficiency either as part of the foreclosure suit or separately. In an uncontested foreclosure, the mortgagee may waive deficiency in order to speed up the process.

### **Foreclosure Auction Locations**

Most states direct the specific location where a sheriff, trustee or creditor may conduct a foreclosure sale. Often the direction is as vague as 'any public place within the county in which the property is located.' Other times, the statute requires that a foreclosure sale only be held at the site of the property to be foreclosed. Foreclosure sales can be conducted at public auction held at the front door of a courthouse of the superior court in the judicial district where the property is located, unless the deed of trust specifically provides that the sale shall be held in a different place.

### **Foreclosure Timeline:**

<b>Timeline Step</b>	<b>Days for Step</b>	<b>Total Days</b>
Complaint filed and served	Unknown for service	30 (Est.)
Motion for Entry of Judgment filed	1	31
Hearing for Motion	20	51
Entry of Judgment	1	52
Publication of Notice of Sale	8-14	60-66
Sale (days are from Entry of Judgment)	20-35	72-87

(Timeline is for non-judicial foreclosures. Intervals are optimal and assumes no delays.)