



# North Dakota

## **Foreclosure Posting Requirements**

Foreclosures are by Judicial process. Prior to commencing foreclosure, the lender must provide at least thirty (30) written notice of the default. During that thirty (30) day period, the borrower has the right to reinstate the loan by curing the default. Once the complaint is filed, it must be served in the same manner as a civil summons. The defendants have twenty (20) days to answer prior to default. After default, the lender must file a Motion for Judgment, which takes thirty-five (35) days. Once Judgment is issued, the Court instructs the Sherriff to conduct the sale. The Notice of Sale must be served on all defendants. The Notice of Sale must be published for three (3) consecutive weeks which shall end at least ten (10) days before sale. There is a sixty (60) day redemption period following the sale for non-agricultural land. Deficiency awards are generally not allowed on owner occupied land.

## **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>
Mail warning notice and notice period	30	30
File and serve complaint	10	40
Answer period	20	60
Entry of Judgment	35	95
Publication of Notice and 10 day period; Service	25-31	120-126
Sale	1	121-127
Redemption period	60	181-187

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