



Foreclosure Posting Requirements

The average time to complete a non-judicial foreclosure is 150 days. Upon default, the beneficiary of a deed of trust sends a letter by certified mail to the grantor giving Notice of Default and demand for performance of the trust obligation in default. After the time for cure is required in the deed of trust has expired, a foreclosure report is ordered. A Notice of Default is recorded in the recorder’s office of the county where the property is situated, as well as a Resignation of Trustee and Appointment of Successor Trustee if requested, to any person who has recorded a request for notice. A Notice of Sale, which is to be held in the county wherein the property is situated, must be sent via registered mail or certified mail, return receipt requested, to the grantor, any successor in interest and any person having a lien or interest which is subordinate to the deed of trust (i.e. instituted subsequent to the formation of the deed of trust), at least 120 days prior to the date set for the sale. The Notice of Sale must also be published in a newspaper of general circulation in the county, in which the property is situated, once a week, for four consecutive weeks, with the last date of publication no less than 30 days prior to the sale date. When the real property subject to a foreclosure action is occupied, at least 3 good faith attempts must be made to serve the notice of the sale, on different days, during a 7-day period on an adult occupant of the real property. These attempts must be made no less than 30 days prior to the date of sale, and must be made in the same manner as a summons would be served. If service is not completed or if the occupant served is not one of the persons who are required to receive notice by registered or certified mail, a copy of the Notice of Sale must be posted conspicuously on the real property at the time of each attempt. Affidavits of service by mail, publication and personal service or posting must be recorded no less than 20 days prior to sale.

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 in any public place within the county in which the property is located.

Foreclosure Timeline:

Timeline Step	Days for Step	Total Days
Loan referred/file received	1	1
Trustee Sale Guarantee report ordered	1	2
Trustee Sale Guarantee report received and reviewed	5	7
Substitution of Trustee prepared, executed and recorded"	3	10
NOD recorded	20	30
Sale scheduled and NOD sent to all interested parties	1	31
Legal publication sent to newspaper	1	32
Publication/posting of sale completed	45	77
Deed sent to lender for execution and request for bid	63	140
Sale held, deed recorded	3	108-111

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