



# Indiana

## **Foreclosure Posting Requirements**

All Indiana foreclosures are Judicial. A pre-foreclosure notice is not required by state law, but may be by the terms of the Deed of Trust. Once the complaint is filed, and a judgment issued, there is a waiting period of three (3) months (which may be as long as twelve (12) months for some older mortgages). If the property has been abandoned, there is no waiting period. The owner may waive the waiting period, or any part thereof with the consent of the lender in exchange for a waiver of any deficiency. Once the waiting period has expired, the Trustee may file a request with the Clerk for sale. The Office of the Sherriff then conducts the sale, including notice. Notice includes service on the owner, publication in a legal newspaper, and posting at the Courthouse. Publication must be for three (3) consecutive weeks commencing at least thirty (30) days prior to the sale. The owner may redeem the property prior to the sale, but not after, by paying the full judgment plus interest and costs.

## **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 with Court and served Judgment issued (minimum time)	21	21
Waiting period (0-12 months) most common	90	111
Order to sell delivered to Sherriff	1	112
Publication and service	31	143
Sale	1	144

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