



### **Foreclosure Posting Requirements**

All foreclosures are Judicial. Prior to commencing a foreclosure, the mortgagee must provide a written notice. The foreclosure may not be commenced until the later of a ninety (90) day default and forty-five (45) days since the mailing of the written notice. Once the action is filed, the mortgagee must provide service by personal service, or if not effective then by posting, and by mail. After the Court enters judgment, the mortgagee must publish notice for three (3) consecutive weeks timed to begin not less than fifteen (15) days prior to the sale or end more than seven (7) days prior to the sale. The mortgagee must provide no mailed notice, regular and certified, to the borrower and other interested parties, not more than thirty (30) or less than ten (10) days prior to the sale. The mortgagee must provide notice to the city or county where the property is located not less than fifteen (15) days prior to the sale. An affidavit of compliance with the notice requirements must be filed prior to the sale. The borrower may cure the default at any time prior to the sale. The borrower, or other interested party, may seek to stay or dismiss the foreclosure through Court 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>
Notice of Default sent to borrower	45	90
Action is filed and served	10-30	100-120
Default and Judgment Issued	21	121-141
Publication	15-21	127-162
Mailed notice to borrower and other parties	30	151-171
Mailed notice to city or county	15	151-172
Sale	7	152-172

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