



Massachusetts

Foreclosure Posting Requirements

Foreclosures may be Judicial or Non-Judicial provided that there is a power of sale clause in the mortgage. Foreclosure is commenced by the filing of a Notice of Sale. A copy of that notice must be mailed to the borrower and junior lien holders by registered mail at least fourteen (14) days prior to the sale. The Notice of sale must be published for three consecutive weeks commencing at least twenty-one (21) days before the sale. In order to pass clear title, the lender must seek approval from the Land Court that the Service member Civil Relief Act does not apply. A deficiency award is available, but in order to seek a deficiency, the mortgagee must provide a written warning twenty-one (21) day prior to commencing a foreclosure action. There is no post-sale redemption right.

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:

Timeline Step	Days for Step	Total Days
Notice of intent to foreclose sent (if deficiency to be sought)	22	22
Notice of Trustee sale filed	1	23
Publication	21	44
Notice to borrower and other parties	14	44
Sale	1	45

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