



# Montana

## **Foreclosure Posting Requirements**

An original signed substitution of trustee naming counsel and copies of the trust indenture, note, all assignments, title policy, intervening deeds and loan status information are needed to commence foreclosure. A trustee indenture executed in conformity may be foreclosed by advertisement and sale by the trustee or successor, or at the option of the beneficiary by judicial procedure as a mortgage. The action generally takes 140 to 150 days to complete. A copy of the notice must be published in a newspaper of general circulation published in the county in which the property is located, once a week, for three consecutive weeks. The date of final publication must be at least 20 days to the sale date. A copy of the notice must also be placed in a conspicuous place on the property to be sold at least 20 days prior to the sale date.

## **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 are conducted as indicated by the statute.

## **Foreclosure Timeline:**

<b>Timeline Step</b>	<b>Days for Step</b>	<b>Total Days</b>
Deed recorded	3	143
Possession of property transferred	10	153
Loan referred/file received	1	1
Trustee Sale Guarantee report ordered	2	3
Trustee Sale Guarantee report received and reviewed	6	9
Sale date set, Notice of Trustee’s Sale sent for recording	7	10
Notice of Trustee’s Sale served by certified mail	10	20
Publication, posting of sale complete	76	96
Sale held	44	140

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