



Texas

Foreclosure Posting Requirements

When a foreclosure complaint is filed, service must be obtained thereon by serving, upon all defendants, a summons with a copy of the complaint. Service is perfected by either certified mail that is issued by the clerk of courts or personal residence service issued through the sheriff’s office. In either event, the defendant has 28 days after a receipt of the summons to file an answer to the complaint. If certified mail service is returned by the post office indicating that the letter is unclaimed or refused, then ordinary mail service may be issued through the clerk’s office. Service is considered perfected upon mailing by the clerk and the defendant has 28 days within which to respond to the pleadings or is considered in default. If service cannot be obtained by certified mail, ordinary mail or personal residence service, then service by publication is allowed by statute, which necessitates the filing of an affidavit and, in certain counties, actually preparing the advertisement of publication, as well as Orders of Publication. The rules in Texas provide that the Affidavit for Service by Publication must delineate the reasonable steps taken to locate the party against whom service is being obtained. The advertisement of publication is published for 6 consecutive weeks in a newspaper of general jurisdiction within the county, and the defendant has 4 weeks thereafter to file his answer of to be considered in default.

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 only at the county courthouse.

Foreclosure Timeline:

Timeline Step	Days for Step	Total Days
Initiate foreclosure by transmitting relevant documents	1	1
Record Notice of Default		
Send 10 (business) days notice	1	12
Receive and review Trustee’s Sale Guarantee; send 1-month notices	1	32
Begin required postings and publishings of sale; required Notice of Sale mailed to all entitled parties	90	93
Loan may be reinstated up to five business days before sale	N/A	112
Sale held	24	117
Trustee’s Deed is prepared and sent to county	3	120

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