http://www.realtytrac.com/foreclosure-laws/

**Alabama**

Notice of Sale / Auction

A lender must follow any notice of sale requirements that are specified in a mortgage. The notice of sale is published for three weeks in a newspaper or posted at the courthouse door and three other public places. The notice must provide a description of the property and the day, place, and terms of the sale.  Usually, the notice is also sent to the borrower, although it is not required unless dictated in the mortgage. If a borrower has other mortgage loans, those lenders typically receive notice as well. The sale takes place at the courthouse. After the foreclosure sale and upon payment of the sale price, a deed is given to the winning bidder. The borrower has the right to redeem the property after the foreclosure sale, up to one year after the foreclosure sale date.

**Alaska**

Notice of Sale / Auction

For both types of foreclosures, the notice of sale must be posted in three public places at least 30 days before the sale, with one of them being the closest U.S. post office. The notice must also be published in a local newspaper once a week for four weeks.  For out-of-court foreclosures, the location of the sale varies. The lender’s attorney typically conducts the foreclosure sale. After the sale, the trustee provides the winning bidder with the deed transferring ownership. In most cases, all junior liens against the property are cleared from the title for the purchaser at an out-of-court auction. If the sale is postponed, the person conducting the sale must announce it publicly. For court foreclosures the person overseeing the auction may postpone the auction by announcement for up to one week. If the sale is postponed more than 30 days, a new notice of sale is issued and advertised. After the sale, the winning bidder receives a certificate of sale and the sale must be confirmed. For court foreclosure sales, borrowers have a right of redemption for 12 months after the sale confirmation. The borrower must pay the amount of the sale price plus 8 percent interest and other applicable costs. If the property is not redeemed, the winning bidder at the sale can obtain full ownership of the property.

**Arizona**

Notice of Sale / Auction

For court foreclosures, the sheriff conducts the sheriff’s sale about 45 days after the county clerk directs the sale. It is a public auction, and anyone may bid.  The bid price must be paid to the sheriff by 5:00 p.m. the day after the sheriff's sale. After the sale, a certificate of sale is issued.  If the property is not abandoned, the redemption period is six months from the sale date. If the borrower does not redeem, any secondary lenders may do so within a specified time. To redeem the property, the total amount owed plus fees and costs must be paid. If no one redeems the property, the sheriff transfers ownership to the winning bidder.

For out-of-court trustee's sales, the notice of sale contains a property description, and the date, time and place of the sale. The notice is recorded, and the trustee mails the notice to all affected parties at least three months before the sale date. The notice appears in a local newspaper once a week for four weeks, with the last notice published no less than 10 days before the sale date. At least 20 days before the sale, the notice is posted on the property and the county courthouse. Starting the day before the sale and up to the sale, the trustee must provide the opening bid of the sale to anyone who asks or the sale may have to be postponed.

The trustee or the trustee’s agent conducts the sale at the property, the courthouse, or the trustee’s office.  All bidders must provide a refundable $10,000 deposit in order to bid; the trustee keeps the deposit of the winning bidder. The sale can be postponed up to 90 days by announcement at the originally scheduled sale. The winning bidder has until 5:00 p.m. the next day to pay the full bid price, after which the trustee transfer ownership of the property within seven days. The proceeds of the sale are paid to the primary lender, then to any secondary lenders. There is no right of redemption for the borrower after an out-of-court foreclosure sale.

**Arkansas**

Notice of Sale/Auction

For power-of-sale foreclosures handled out of the court system, the notice of default filed by the lender also serves as the notice of sale, as it contains all the information pertinent to the sale (time, location, property description, etc.). Within 30 days of this notice of default being recorded, a copy of the notice and the lender’s intention to sell is mailed to the borrower. The lender also posts a notice of sale in the office of the county recorder. The notice is published in a local newspaper for four consecutive weeks, with the final notice being published at least 10 days prior to the sale.

At the sale, which is run by an auctioneer, anyone can bid on the property, with the exception of the trustee, who may only bid on behalf of the lender. The highest bidder is awarded ownership of the property and must pay the full bid price within 10 days of the sale. For out-of-court foreclosures, the borrower has no right to redeem the property after the sale.

The property must sell for no less than two thirds of the appraised value. If this value is not met, the property must be offered for sale again within 12 months of the original sale date.  If this occurs, the second sale awards the property to the highest bidder, regardless of the appraisal price.

If the property is foreclosed through the courts, the borrower has one year from the date of the sale to redeem the property, provided that they pay the amount of the purchase price from the auction plus interest.

\* Judicial Foreclosures Only

**California**

Notice Of Sale / Auction

At least 20 days before the trustee’s sale, the notice of sale must be posted on the property and in one local public location. The notice is also published once a week for three weeks in a local newspaper, starting at least 20 days before the sale date. The notice is mailed to the borrower at least 20 days before the sale and to anyone who requests the notice. The notice must contain the date, time, and location of the sale, the property address, and the trustee’s contact information. In addition, the notice of sale must be recorded with the county recorder at least 14 days before the sale. The trustee’s sale is a public auction and the property is sold to the winning bidder. The trustee may require bidders to pay the full bid amount in cash or cashier’s check. Anyone may bid at the sale, including the lender and any junior lien holders. A trustee’s sale may be postponed by announcement at the sale. If a sale is postponed more than three times, a new notice of sale must be issued.

After the sale is complete, the trustee transfers ownership to the winning bidder. The borrower does not have the right to redeem the property after the sale.

\* Judicial Foreclosures Only

**Colorado**

Notice of Sale / Auction

The public trustee schedules the sale 110-125 days after the initial foreclosure action was recorded. The notice of sale is published in a local newspaper for 12 weeks. The public trustee also mails a copy of the notice to the borrower.

The public trustee typically conducts the sale at the courthouse. At the sale, the public trustee reads the written bid submitted by the lender, and any party may bid.  If anyone other than the lender is the winning bidder, that person must deliver the bid amount in cash or cashier’s check to the public trustee. The winning bidder is given a certificate of purchase.

There is no longer any redemption period for the previous owner after a foreclosure sale in Colorado.

**Connecticut**

Notice of Sale / Auction

Process Begins With a Civil Suit
The judicial foreclosure process in Connecticut is commenced by filing a civil action with the Superior Court.  At the end of the action, the Lender will file a motion for a judgment of foreclosure and the Judge will either grant a “strict foreclosure” or a “foreclosure by sale”.

If a strict foreclosure is granted no actual foreclosure auction is held. During the foreclosure action the court has determined that there is no equity in the property and rather than a foreclosure sale, the court will assign “law days” in reverse order of priority, which allows parties with an interest to redeem the property.  If no party redeems the property on their law day, title of the property will vest, free and clear to the Lender.

The lender then has 30 days to record a certificate of foreclosure, which must contain a description of the property, the foreclosure proceedings, the mortgage and the date the title became absolute.

**Delaware**

Notice of Sale / Auction

It usually takes 2-3 months for the sheriff to properly advertise and give notice of the sale.  The sheriff posts the sale notice on the property and in other public places at least 14 days before the sale date. The notice should include the date, time, and location of the sale, as well as a brief property description and the location of the property. The notice is also delivered to the borrower at least 10 days before the sale date. The notice of sale is published in two local newspapers chosen by the sheriff, appearing no more than three times per week for two weeks before the sale.

Generally, the sale is conducted by the sheriff and takes place at the property or at the local courthouse. After the sale, confirmation of the sale occurs within 1-3 months, and the sheriff transfers ownership to the winning bidder. Prior to confirmation, the borrower may contest the sale procedure, but the borrower has no right of redemption after the sale.

**Florida**

Notice of Sale / Auction

The sale date is typically 20-35 days after the court ruling, but this may vary depending on the individual court. The clerk of court issues a notice of sale containing the location, date, and time of the sale.  The notice is published once a week for two weeks, with the second notice appearing at least five days before the sale.

The clerk usually oversees the sale, which ordinarily occurs at the county courthouse at 11:00 a.m. on the sale date. The winning bidder must provide a 5-percent deposit and pay the remaining balance by the end of the day or a new sale is scheduled a minimum of 20 days later. After a successful sale, the clerk gives a certificate of sale to the winning bidder

Within 10 days of the sale, the clerk transfers ownership to the winning bidder if no one disputes the sale.  In most instances, a borrower has no right of redemption after the certificate of sale is issued.

**Georgia**

Notice of Sale / Auction

A notice of sale is published once a week for the four weeks before the sale. The notice is also sent to the borrower a minimum of 30 days before the sale date. The notice must include the date, time, and location of the sale; a description of the property; mortgage information; and the lender and borrower names.

The foreclosure sale is at the county courthouse on the first Tuesday of the month between 10:00 a.m. and 4:00 p.m.  The winning bidder, if other than the lender, is required to pay the full bid amount to the person conducting the sale immediately following the sale. If a foreclosure sale is cancelled, the foreclosure process starts over again.

After court-ordered foreclosure sales, a confirmation hearing is scheduled and the borrower is notified within five days of the hearing.  If the sale price of the property is at least market value of the property, the court confirms the sale. If not, the court may order a new sale.

There is no right of redemption for the borrower following a foreclosure sale in Georgia.

**Hawaii**

Notice Of Sale / Auction

For out-of-court foreclosures, the notice of foreclosure sale includes a description of the property, the terms of the sale, names of the parties involved, and the time and location of the sale. At least 21 days prior to the sale, the copy of the notice is posted on the property and mailed or delivered to the borrower. The lender publishes the notice of sale in a local newspaper once per week for three consecutive weeks, with the last publication at least 14 days before the day of sale. The sale is an auction where the highest bidder buys the property. The auction can be rescheduled, but the notices of sale must be resent and republished. For court foreclosures, a commissioner is appointed to sell the property at public auction. The commissioner publishes the notice of sale in a local paper. The notice includes the auction date and open house dates, if any. Any party may bid at the auction and the winning bidder will be required to pay 10 percent of the bid in the form of cash or a cashier’s check. The highest bidder does not automatically get the property, as additional bidding may continue at a confirmation hearing. If the court finds the price fair, the sale is confirmed.

Hawaii offers no redemption rights for the borrower after the sale is confirmed.

**Idaho**

Notice of Sale / Auction

At least 120 days before the sale date, a notice of sale is mailed to the borrower. The notice includes the trustee, lender, and borrower names; a description of the property; default information; the amount owed; and the date, time and location of the sale. The lender also publishes the notice of sale in a local newspaper once a week for four weeks, and the final publication has to be at least 30 days before the sale date. The trustee’s attorney conducts the sale. The trustee may postpone the sale up to 30 days by public announcement at the originally scheduled sale. The trustee may also reschedule the sale, in which case a new notice of sale must be published and sent to the parties involved again. The trustee sale is at the date, time and place designated in the notice of sale or rescheduled sale (usually between 9:00 a.m. and 4:00 p.m.).

Any person may bid, and the trustee transfers ownership of the property to the winning bidder after receiving full payment. The winning bidder is entitled to possession of the property 10 days after the sale.

Idaho foreclosures conducted out of court do not provide redemption rights for the borrower after the sale.

**Illinois**

Court Process
Upon a borrower’s default, a lender can file a Complaint to Foreclose Mortgage with the court. The Complaint is then served on the borrower and any other named defendants. If a defendant cannot be found, Illinois law allows for service by publication. Once service is obtained, a defendant has 30 days to file an Answer with the court. If the defendants fail to file an Answer, the court will enter an order of default if requested. If the borrower or other lien holder files an Answer contesting the foreclosure, parties can litigate the matter and possibly go to trial.

Once judgment is entered in favor of the lender, the borrower has a statutory 90-day redemption period before a sale can take place. The court can shorten this to a 30-day redemption period, if the property is abandoned. The court also has the authority to extend the redemption period.

Sheriff’s Sale
The sale date must be after the expiration of the applicable redemption period. A Notice of Sheriff's Sale is published in a local newspaper in the county where the property is located once a week for three weeks. Not less than seven days after the final notice of sale is published, a Sheriff’s Sale is held. The lender provides the opening bid which is usually the full amount owed to the lender by the borrower.

Following the sale, the Sheriff or selling officer must make a Report of Sale within 10 days. A Motion to Confirm Sale must then be filed and the sale confirmed by the court. Following confirmation, the Sheriff’s Deed is issued.

**Indiana**

Notice of Sale / Auction

The sheriff appoints an auctioneer to conduct the foreclosure sale.  The notice of sale must be published once a week for three weeks in a local newspaper, and the first publication must occur 30 days before the sale. The sheriff also must post the notice in at least three public places, as well as the county courthouse.  The borrower is served with the notice of sale by the sheriff. Immediately after the foreclosure sale, the sheriff transfers the property ownership to the winning bidder. If a lender postpones the sale, another sheriff’s sale request must be filed, and the notices must be re-served and republished.

Once the sale is complete, a borrower no longer has redemption rights.

**Iowa**

Notice of Sale / Auction

The sheriff handles the distribution and publication of the notice. The notice of sale must be posted in at least three public places, and one of the notices must be posted at the courthouse. Additionally, there must be two weekly notice publications in a local newspaper, and the first notice must appear at least four weeks before the sale date. The borrower, if still occupying the property, must also receive notice at least 20 days before the sale.

The sheriff organizes and conducts the sale, which occurs between 9:00 a.m. and 4:00 p.m. The sheriff may receive sealed written bids, along with a refundable payment. At the auction, the sheriff opens and reads the written bids. If the sale is postponed for more than three days, a new notice must be publicly announced.

If a lender chooses foreclosure without redemption, the winning bidder receives a deed without redemption. For court foreclosures with a redemption period, that period can last from 30 days to one year, depending on the situation. Borrowers have a one-year redemption period if a lender wants to pursue a deficiency judgment. If a lender surrenders deficiency rights, the redemption period is six months.

**Kansas**

Court Process
Upon a borrower’s default, a lender can file a Petition for Mortgage Foreclosure with the court. The Petition is then served on the borrower and any other named defendants. If a defendant can not be found, Kansas law allows for service by publication. Once service is obtained, a defendant has 20 days to file an Answer with the court. If the defendants fail to file an Answer, the court will enter a Journal Entry of Judgment. If the borrower files an Answer contesting the foreclosure, parties can litigate the matter and possibly go to trial. Once judgment is entered in favor of the lender, the borrower then has 10 days to pay the amount due before the foreclosure sale can be scheduled.

Sheriff’s Sale
After the expiration of 10 days from the date judgment was entered, a Notice of Sheriff's Sale is published in a local newspaper in the county the property is located once a week for three weeks. Between seven and 14 days after the final notice of sale is published, a Sheriff’s Sale is held. The lender provides the opening bid which is usually the full amount owed to the lender by the borrower. The person with the highest bid at the sale receives a Certificate of Purchase.

In Kansas, the redemption period for the borrower begins on the sale date, but the length of time varies. If more than one-third of the principal balance of the loan has been paid, the borrower has 12 months to redeem the property. If the borrower has paid less than one-third of the principal balance of the loan, the borrower has only a three-month redemption period. To redeem, the borrower has to pay the amount of the highest bid in addition to applicable interest and other fees.

Once the borrower's right of redemption expires and the property has not been redeemed, a Sheriff’s Deed will be recorded evidencing the transfer of ownership of the property.

**Kentucky**

Notice of Sale / Auction

The sale usually occurs at least one month after the court rules against the borrower. The notice of sale must contain the date, location, and terms of the sale, and it should be published for three weeks in a newspaper. Any postponement of the sale must occur through a court order. The sale, conducted by a court official called a master commissioner, usually occurs at the courthouse, and the highest bidder purchases the property. The purchaser may pay in cash or post bond to pay in installments. After the sale, a motion to confirm is heard, and the deed is prepared and presented to the clerk.

If the sale price is less than two-thirds of the appraised value, the borrower has the right to redeem the property from the buyer by paying the sale price plus interest. This redemption period lasts for one year from the foreclosure sale date.

**Louisiana**

Notice of Sale / Auction

The borrower is personally served with the notice of foreclosure sale by the sheriff. The notice of sale is also published two times in a newspaper in the parish where the property is located. The sheriff conducts the sale, and anyone may bid including the borrower. The winning bidder must pay the sale price in cash on the day of the sale, or in some cases, within 30 days of the sale if a 10-percent deposit is made. The sheriff then issues a deed to the winning bidder.

There are no redemption rights for the borrower in Louisiana.

**Maine**

Notice of Sale /Auction

If the borrower does not stop the foreclosure during the pre-foreclosure period, the lender publishes a notice of sale for three weeks in a local newspaper. The sale is scheduled 30-45 days after the first publication date. The notice must contain the property description and the date, time, and location of the sale.

The sale is often at the office of the foreclosure attorney, who also runs the sale. Sales may also take place at the courthouse or the property. The sale may be postponed for no more than seven days at a time and the postponement will be announced at the originally scheduled sale. At the sale, the lender may bid on the property. The property is sold to the highest bidder. Usually bidders are required to bring a certain deposit amount (stipulated in the notice of sale) and may pay off the balance within 30 days. After the sale and payment of the balance, the lender transfers the property ownership to the winning bidder.

**Maryland**

Notice of Sale / Auction

A notice of sale must be published in a local newspaper for three consecutive weeks. The trustee must send a notice of sale to the borrower and any other lien holders at least 10 days before the date of the sale.

A licensed auctioneer conducts the sale, which typically takes place outside the courthouse. After the winning bidder has been established, a notice that the sale has occurred is published in a local newspaper to advise interested parties that any objections must be made within 30 days. If no objections are filed, the sale is confirmed by the court and the property ownership is transferred to the winning bidder.

There is no established redemption period for the borrower, but the courts can set a redemption period on a case-by-base basis.

**Massachusetts**

Power of Sale Foreclosure Guidelines

If the mortgage contains a power of sale clause, the Lender follows the statutory requirements and conducts a foreclosure sale.

A notice of sale must contain the place, time and date of the foreclosure sale, the date the mortgage was recorded, the borrower(s) name and the terms of the sale. The sale must be conducted at public auction on the date, time and place specified in the notice of sale. The property will be sold to the highest bidder.

The notice must be sent by certified and regular mail to the borrower at their last known address.  The notice must also be sent to any party with a recorded interest in the property within 30 days of the scheduled foreclosure sale.  The notice must be published once a week for 3 weeks with the first publication being at least 21 days before the sale in a newspaper of general circulation within the county where the property is located.

The borrower has no rights of redemption.

**Michigan**

Notice of Sale / Auction

The foreclosure sale usually occurs about two months after the lender starts the foreclosure process. A notice of sale is published once per week for four weeks in a local newspaper, and the sale may not be less than 28 days from the first publication date. The notice is also posted on the property during the publication period. The notice of sale must contain the lender and borrower names, mortgage information, the default amount, a legal description of the property, and the length of the redemption period.

A trustee or sheriff conducts the public auction between 9:00 a.m. and 4:00 p.m., usually at the county courthouse. Anyone may bid, and the property is sold to the winning bidder. The sale may be postponed by posting a notice of adjournment at the time and location of the sale.

The person conducting the sale completes the necessary documents to transfer ownership to the winning bidder at the sale, and those documents must state the redemption expiration. The redemption period varies, but typically runs six months from the foreclosure sale date. During this time, the borrower can redeem the property by paying the winning bid amount and applicable costs.

[More Information on United States Foreclosure Laws](http://www.realtytrac.com/foreclosure-laws/foreclosure-laws-comparison.asp)

**Minnesota**

Notice of Sale / Auction

The notice must include the borrower, owner, and lender names; the original loan amount; the mortgage date; recording information; the default amount due; a property description; the time and location of the sale; and the redemption period.  The notice must be published for six weeks, and the occupants of the property must be given the notice in person at least four weeks prior to the sale.

The county sheriff or sheriff’s deputy conducts the foreclosure sale between 9:00 a.m. and sundown at a public place, usually the sheriff's office. Anyone may bid at the sale, and the property is sold to the winning bidder. If not the lender, the winning bidder must be prepared to pay the full amount in cash or cashier’s check. The sheriff may postpone the sale by publishing a notice in the newspaper where the original notice of sale was published. After the sale, the sheriff gives a certificate of sale to the winning bidder. The certificate of sale effectively transfers ownership and possession rights to the winning bidder after the redemption period.

In Minnesota, a borrower usually has a six-month redemption period, but some property types and mortgages allow for a 12-month redemption period. During this time, the borrower can redeem the property by paying the total amount of the bid plus interest and any applicable costs.

**Mississippi**

Notice of Sale / Auction

The notice of sale must be posted at the county courthouse and published once per week for three successive weeks in a local newspaper. The notice must provide a description of the property, deed of trust information, the parties involved, and the time, place, and terms of the sale.

The trustee conducts the sale, usually between 11:00 a.m. and 4:00 p.m. at the courthouse, and the lender is permitted to bid. The trustee can postpone the sale to the next day by announcing the postponement at the originally scheduled sale. The winning bidder, if other than the lender, must supply the sale amount usually in the form of cash or certified funds at the sale; if not, the sale must be rescheduled and republished. After the sale, the trustee prepares a deed conveying ownership to the winning bidder. In the case of a surplus, the additional amount is dispersed to any other affected secondary lenders.

The foreclosure sale is final, and after the sale the borrower does not have the right to redeem the property.

**Missouri**

II. Timeline

A. Foreclosure Sale
Subject to the time limits set forth hereafter, a foreclosure sale may be conducted on any date after a Notice of Default is sent to the debtor. *See Petring v. Kuhs, 171, S.W.2d 635 (Mo. 1943); Miller v. Jones, 635 S.W.2d 360, 362 (Mo.App. 1982).* Only the requirements stated below for publication and mailing affect the choice of the actual date.

B. Notices of Sale
Notices of sale are required to contain the date, book and page of the Deed of Trust, name of each grantor on the Deed of Trust, the time, terms and place of sale, and a description of the real estate to be sold. The notice must be published and mailed to required parties. Pursuant to *Section 443.320 Mo Rev. Stat*., a Notice of Foreclosure Sale must be printed in a newspaper published in the county in which the real estate is situated at least once a week for a total of four weeks, with the last publication being not more than one week before the sale date. If the land is located in more than one county, the notice must be published in each county. If the land is located in a Missouri first-class County, of which there are three, publication is for 21 consecutive days in a daily newspaper with the last day being the date of sale.

**Montana**

Notice of Sale / Auction

For out-of-court foreclosures, a copy of the notice of sale is posted at the property in an obvious spot at least 20 days before the sale. Additionally, notice of sale is mailed to the borrower at least 120 days prior to the sale and must be published once a week for three consecutive weeks in a local newspaper.

Foreclosure sales in Montana are by public auction, with the property going to the highest bidder. The auction is between 9 a.m. and 4 p.m. on the sale date at the county courthouse. The winning bidder receives a deed transferring ownership and can take possession of the property after 10 days.

The borrower has no rights of redemption and the lender may not obtain a deficiency judgment against the borrower.

**Nebraska**
Notice of Sale / Auction

For an out-of-court foreclosure, the notice of sale must be published once per week for five weeks. The final notice must be published 10 to 30 days before the sale date.  The trustee conducts the sale. The property is sold to the winning bidder, and the trustee issues a deed transferring ownership.

In a court foreclosure, the notice of sale must be published once per week for four weeks.  Either a court official called the master commissioner or the sheriff conducts the sale, and the property is sold to the winning bidder. Typically 2-3 weeks after the sale, a hearing is conducted to confirm the sale; this is the final chance a borrower has to redeem the property. After the sale has been confirmed, a deed is issued that transfers ownership to the winning bidder.

**Nevada**

Notice of Sale / Auction

A trustee (third party named in the deed of trust) carries out the public sale. A notice of sale is posted at least 20 days before the trustee sale date in three public places and published in a local newspaper once a week for three weeks. The notice of sale is also mailed to the affected parties.

The sale may be at the trustee’s office, and anyone may bid. Except for the lender, the winning bidder has to pay the full bid amount in cash or cashier’s check to the trustee. If the sale is postponed, a public announcement is made at the time and place of the sale.  After the sale, the trustee transfers ownership to the winning bidder.

An out-of-court foreclosure provides the winning bidder with clear title, and there is no redemption period for the borrower after an out-of-court foreclosure sale. Although court foreclosures are uncommon in Nevada, there is a one-year redemption period for this type of foreclosure.

**New Hampshire**

Power of Sale Foreclosure Guidelines

A notice of sale must be mailed to the borrower at least 25 days before the sale, published once a week for 3 weeks with the first publication appearing not less than 20 days before the sale in a newspaper of general circulation in the county where the property is located.  The notice should contain the time, date and place of sale, a description of the property as well as a "warning" to the borrower, informing him the property is going to be sold and what rights he has to stop the procedure. The Notice must also be sent to any party with a recorded interest in the property within 30 days of the scheduled foreclosure sale and to the Tax Collector of the City or Town.

The foreclosure sale must be held on site of the property itself. The property will be sold to the highest bidder.

Borrowers have no rights of redemption.

**New Jersey**

Pre-foreclosure Period

At least 30 days before starting the foreclosure process, the lender mails a letter to the borrower warning of the impending foreclosure. During this pre-foreclosure period, the borrower can prevent the foreclosure by paying off the amount in default.

The lender initiates the foreclosure through the courts and records a *lis pendens* (notice of pending lawsuit) with the county clerk. The lender can sue for either the default payments or the entire unpaid principal balance on the loan. The borrower is notified of the foreclosure action in person or by publication if necessary. After being notified, the borrower has at least 35 days to respond or the court will make a ruling. If the court rules against the borrower, a sale date will be scheduled.

Notice of Sale / Auction

Notice of sale must be posted on the property as well as in the county office where the property is located. In addition, the notice of sale must be published in two local newspapers. One of these publications must be in either the largest municipality in the county or the county seat.

Notice must be given to the property owner at least 10 days prior to the scheduled sale.

Foreclosure sales are conducted as public auctions, overseen by the sheriff or another officer of the county. The property is awarded to the highest bidder, and the sheriff must transfer ownership to the purchaser within 10 days following the sale. The court also confirms the sale. The borrower has redemption rights during the 10 days following the sale, when any objections are considered by the court.

**New Mexico**

Pre-foreclosure Period

In New Mexico mortgages and deeds of trust for residential property must be foreclosed and sold in court due to the ban of power-of-sale clauses in most cases. The lender is not required by the state to notify the owner before initiating the pre-foreclosure process, although the mortgage or deed of trust may sometimes require this.

First, a foreclosure complaint is filed in court against the borrower and will include any other parties who have a stake in the property. Once the complaint has been filed, a *Lis Pendens* (pending lawsuit) is recorded with the county clerk of the county in which the property is located. The lender gives notice in person to the borrower, who has 30 days to answer the complaint. If the borrower cannot be located and served personally, the lender publishes a notice of the pending lawsuit once a week for four consecutive weeks in a local newspaper. Borrowers have 20 days from the date of the last publication to respond.

If the time limit for the borrower to respond has expired, the court enters a ruling, which can be agreed upon by the parties involved or decided in a hearing.

At any time before the foreclosure sale, the borrower may satisfy the judgment by paying all arrears, costs and attorneys’ fees incurred. This stops the foreclosure proceedings.

Notice of Sale / Auction

If the court rules against the borrower, the lender or the lender’s trustee publishes a notice of sale once a week for four consecutive weeks in a local newspaper. The sale is scheduled a minimum of 30 days after the court ruling and the final publication of the notice occurs at least three days before the date of the sale.

An acceptable bid must be at least 80 percent of the fair market value of the property at the time of the judicial sale. Once the property is sold a deed is recorded, giving the ownership of the property to the winning bidder.

After the sale is approved by the court, the original borrower or other parties with a stake in the property usually have one month to redeem, but for some properties the redemption period can last nine months. Borrowers can redeem the property by filing a notice to redeem and paying the sale price plus taxes and interest.

**New York**

Notice of Sale / Auction
The sale is usually scheduled at least 4 months after the court ruling. The notice of sale must be published in a general circulation newspaper once a week for at least 4 weeks prior to the sale.

In New York, foreclosure sales are made by public auction, usually at the county courthouse. The property is sold to the highest bidder and anyone, including the lender, may bid. The winning bidder typically has to pay 10 percent of the final bid at the sale and the remaining balance within 30 days. When the full amount is paid, the winning bidder takes ownership of the property. Borrowers have no right of redemption after the sale.

**North Carolina**

Notice of Sale / Auction

If the deed of trust or mortgage contains a power of sale clause and indicates the time, place, and terms of sale, then the specified procedure must be followed.

A notice of sale must include the names of all parties involved, a legal description of the property, and the date, time and location of the sale. The lender mails the notice of sale to the borrower and relevant parties at least 20 days prior to the sale date. The lender also publishes the notice in a local newspaper once a week for two weeks, and the last publication cannot be more than 10 days before the sale date. Further, the lender posts the notice of sale at the county courthouse at least 20 days before the sale.

The sale is conducted between 10:00 a.m. and 4:00 p.m. at the courthouse, and the property is sold to the highest bidder. If the sale is postponed, a notice stating the revised date and time of the sale is posted at the courthouse.

The borrower has a 10-day right of redemption after the sale by paying what is owed to the lender plus any sale costs. Further, any party may enter an upset bid during that same period by submitting a deposit of at least 5 percent of the bid to the county clerk.

**North Dakota**

Pre-foreclosure Period

North Dakota law requires that the lender give the borrower no less than 30 days notice of their intent to foreclose prior to beginning foreclosure proceedings.  If the borrower cannot be located, the lender will need to publish a notice of their intent to foreclose.

After the pre-foreclosure notice is given, the lender can file the appropriate documents in court to begin the foreclosure. The court assesses the amount of the borrower’s debt and gives them a short time to pay.  If the borrower fails to pay the debt within the specified timeframe, the property goes up for sale, as advertised by the court clerk.

The borrower can stop the process and reinstate the loan by paying the delinquent amount within the 30-day period prior to foreclosure.

Notice of Sale / Auction

It takes about two months to properly publish and advertise the foreclosure sale. Notice of sale is provided to the borrower and published in the county newspaper, with the last publication occurring at least 10 days before the date of the sale.

Foreclosure sales in North Dakota are made by public auction by the county sheriff or his deputy. The property is sold to the highest bidder, and the winning bidder must pay in cash at the auction. The winning bidder is awarded a certificate of sale until the borrower’s redemption period has ended. Following the redemption period, which is typically six months, the sheriff transfers ownership to the winning bidder.

**Ohio**

Pre-foreclosure Period

To begin a court foreclosure in Ohio, the appropriate court documents are filed in a local court. The borrower is then given notice of the court filing, usually by certified mail, regular mail, or personal service. If a borrower cannot be located, the lender may publish the notice of the court filing. After the notice has been properly delivered or published, the borrower has 28 days to respond or the court can find them in default. After the court makes its decision, the county clerk issues an order of sale to the sheriff.

The court allows borrowers to pay the debt amount within a certain time. If the borrower fails to pay, the foreclosure process continues.

Notice of Sale / Auction

Before the foreclosure sale, the sheriff must obtain three appraisals and publish an ad in a local newspaper for three weeks. The sheriff then conducts a public auction at the courthouse. The sale price must be at least two thirds of the appraised value, and the property is sold to the highest bidder. After the sale, the court reviews and files an order confirming the sheriff’s sale. The sheriff prepares and issues a deed transferring ownership to the winning bidder.

The borrower has a right to redeem the property at any time before the sale is confirmed by paying the balance owed and court costs.

**Oklahoma**

Pre-foreclosure Period

The lender can proceed with foreclosure out of court as long as the mortgage or deed of trust gives them the authority to do so. However, the restrictions under Oklahoma law make it difficult to initiate a foreclosure out of court, so this type of foreclosure is rare.

The majority of foreclosures in Oklahoma are through the court system. After sending any required warning letters to the borrower, the lender files in court against the borrower for default on the loan. A notice of this court action is also delivered in person and by mail to the borrower, after which the borrower usually has 20 days to respond. If the court decides to rule against the borrower, the property is scheduled for public sale.

Notice of Sale / Auction

Notice of sale is recorded in the county where the property is located. Notice is also published in a local newspaper in the county where the property is located once each day for four consecutive weeks. The first publishing date must be at least 30 days prior to the date of sale.

The property is sold at a public auction overseen by the county sheriff with an opening bid no less than two thirds of the property’s appraised value. In the case where no appraisal was made, there is no minimum bid required. The highest bidder must provide cash or certified funds equal to 10 percent of their bid amount. If for any reason the sheriff's sale is cancelled, the entire foreclosure process starts over.

After the sale, it takes about 15 days for the sale to be confirmed by the court. The borrower can redeem the property by paying off the full amount owed up until the sale is confirmed. The borrower has no redemption rights after the sale has been confirmed.

**Oregon**

Notice of Sale / Auction

For out-of-court foreclosures, the notice of sale is published once a week for four weeks before the sale in a local newspaper. The last notice is published at least 20 days before the sale date.

The sale is between the hours of 9 a.m. and 4 p.m. at the location stated on the notice. Oregon foreclosure sales are public auctions. Anyone, with the exception of the trustee, may present bids. The property goes to the highest bidder, who must pay in full in cash at the time of the auction. The trustee transfers ownership of the property to the highest bidder within 10 days of the sale. At that time, the purchaser is also entitled to possession of the property.

The sale may be postponed for up to 180 days from the original scheduled date without restarting the foreclosure process.

For foreclosures conducted out of court, the borrower cannot redeem the property after the foreclosure sale.

**Pennsylvania**

Pre-foreclosure Period

Before the foreclosure process can begin, the borrower must be at least 60 days late on payments. The lender usually sends the borrower two letters before starting the foreclosure. These letters notify the borrower of the impending foreclosure and give the borrower options to prevent the foreclosure. The owner has a period of 2-4 months to find a way to prevent the foreclosure before the lender takes further action.

If the borrower does not find a way to prevent the foreclosure, the lender files suit against the borrower for the amount due. The borrower is notified of the foreclosure action in person or by publication and mailing if necessary. After the borrower is notified of the foreclosure action, they have about one month to respond before the court directs the property to be sold to recover the amount due.

The borrower can still prevent the sale at any time up to one hour before the sale by paying the full amount owed.

Related article: [Stop house foreclosure](http://www.realtytrac.com/foreclosure/stop-avoid/stop-foreclosure-options.html)

Notice of Sale / Auction

At least 30 days prior to the sale, the county sheriff gives notice of the sale by putting a handbill on the property as well as delivering a copy of the notice to the borrower. The sale is advertised at least once a week for three consecutive weeks in both a local general-interest newspaper and a local legal newspaper.

The sale is a public auction overseen by the county sheriff and takes place 1-2 months following the court’s order. The property is sold to the highest bidder and the sheriff completes the necessary documents to transfer ownership. The sale may be postponed once up to 100 days by announcement at the sale. The court must approve any further postponements.

There is no right of redemption for borrowers following the sale.

**Rhode Island**

Non-Judicial Foreclosure

The non-judicial process of foreclosure is used when a mortgage contains the Statutory Power of Sale. A "power of sale" clause authorizes the sale of property to pay off the balance on a loan in the event of a default. In mortgages where a power of sale exists, the power given to the lender to sell the property may be executed by the lender. Regulations for this type of foreclosure process are outlined below in the "Power of Sale Foreclosure Guidelines".

Power of Sale Foreclosure Guidelines

The lender must provide the borrower with a notice of sale, via certified and regular mail, 30 days prior to the first publication which states the time, place and terms of sale. This notice must be sent to the borrower at his last known address and if different, to the address listed with the Tax Assessor’s office.

The lender must give notice of the sale by publication in a newspaper as required in the foreclosure statute at least once a week for 3 successive weeks before the sale, with the first publication of the notice being at least 21 days before the day of sale.

The property will be sold to the highest bidder at sale.

**South Carolina**

Pre-foreclosure Period

After deciding to foreclose, the foreclosing lender files a *lis pendens*, or pending lawsuit, to announce their intent to foreclose. Within 20 days, the lender files and personally delivers a foreclosure notice to the borrower. If the borrower cannot be located, the lender will notify the borrower by way of publication for three weeks. A borrower has 30 days to file a response to the foreclosure notice. If the borrower does not resolve the default, the case is referred to a hearing officer, and a notice sent to all relevant parties. The officer orders the property to be sold.

Notice of Sale / Auction

A notice of sale containing a description of the property, the time and location of the sale, and the borrower and lender’s name must be posted at the courthouse and published in a local newspaper three weeks before the sale date. A court officer or special referee conducts the sale, which typically takes place at 11:00 a.m. on a Monday unless otherwise directed. The winning bidder must provide 5 percent of the winning bid at the sale and usually has 20-30 days to submit the remaining bid balance.

If the lender waives the right to file a deficiency judgment (which allows them to pursue any debt not satisfied at the foreclosure sale), the borrower has no rights to redeem after the foreclosure sale. If the lender reserves the right to a deficiency judgment, the sale continues for 30 days after the bidding ends. During this time, anyone may place an upset bid and make a refundable deposit. After any post-sale bidding period is over and the winning bidder pays the remaining bid balance, the sale official transfers ownership and the court confirms the sale.

**South Dakota**

Notice of Sale / Auction

Once the court has ruled that the foreclosure can continue, the lender publishes a notice of foreclosure sale in a local newspaper. In addition, at least 21 days before the sale, the lender must deliver a written copy of sale notice to the borrower and any lien holders.

Once publication requirements are met, the county sheriff conducts a sale between the hours of 9 a.m. and 5 p.m. Anyone, including the lender may bid at the sale. After sale, the winning bidder is provided with a sale certificate and is entitled to a deed transferring ownership once the redemption period expires.

The borrower and any lien holders have the right to redeem the property and void the sale by repaying the total amount of the amount owed. Redemption also requires written notice to the purchaser and the person making the sale. The redemption period is six months unless the property is vacant, in which case the redemption period is two months.

**Tennessee**

Notice of Sale / Auction

If the deed of trust or mortgage contains a clause that specifies the time, place, and terms of sale, then the specified procedure must be followed.

The notice of foreclosure sale includes the names of the affected parties, a description of the property, and the date, time, and location of the sale. It also includes all liens on the property.  The notice is published three times in a newspaper, with the first publication appearing at least 20 days prior to the foreclosure sale.

State statute does not require any further notification; however, it’s not uncommon for the trustee to mail a notification of the sale to the borrower.

The sale is held by a trustee between 10:00am and 4:00pm. After the sale, the trustee transfers the ownership to the highest bidder.

Deeds of trust in Tennessee commonly do not allow the borrower to redeem the property after the sale. If this right is not waived, the borrower may redeem the property by paying the total debt plus costs within two years.

**Texas**

Notice of Sale / Auction

The lender posts a notice of sale at the door of the county courthouse and files a foreclosure notice with the country clerk 21 days prior to the foreclosure sale. The lender also mails a copy of the notice to the borrower at the last known address 21 days prior to the sale. Texas does not require the lender to publish notice of the sale in the local newspaper.

All foreclosure sales are between 10 a.m. and 4 p.m. on the first Tuesday of the month (regardless of holidays) usually on the county courthouse steps. The sale is conducted as a public auction with the property going to the highest bidder, who pays in cash, although the trustee may allow some time (within the same day) for the highest bidder to collect the full amount. The lender is also eligible to bid on the property.

The trustee transfers ownership to the highest bidder free and clear of any junior liens but subject to any senior liens. If the bid amount is higher than the amount owed to the lender, any surplus goes to junior lien holders. In Texas, the borrower’s right of redemption after the sale does not exist. That's why it is important that you find a way to [stop foreclosure](http://www.realtytrac.com/foreclosure/stop-avoid/how-a-short-sale-can-stop-foreclosure.html) early.

**Utah**

Notice of Sale / Auction

Three months after the notice of default is recorded and at least 20 days before the sale date, the notice of sale is posted in a conspicuous place on the property to be sold and at the office of the county recorder. In addition, the lender publishes a notice of sale once a week for three consecutive weeks in a local newspaper. The last publication must be at least 10 days, but not more than 30 days before the date of the sale.

Foreclosure sales are conducted as public auctions at the county courthouse where the property is located between the hours of 8 a.m. and 5 p.m., with the property going to the highest bidder. If the sale price is above and beyond the amount owed to the lender, the extra monies go first to any junior lien holders and then to the borrower.

There is typically no redemption period for the borrower after an out-of-court foreclosure sale.

**Vermont**

Notice of Sale / Auction

The notice of sale contains a description of the property, lender and borrower names, mortgage date and the time, day, location and terms of the sale. The borrower receives the notice of sale at least 60 days prior to the sale date. The notice is published once per week for three weeks in a local newspaper, with the first notice appearing no less than 21 days before the sale date. In an out-of-court foreclosure, the lender records the notice of sale with town records no less than 60 days before the sale. The filing of this notice occurs instead of filing a foreclosure complaint in court.

The public auction is typically at the property. At the sale, any person may bid.  The property is sold to the highest bidder, and the borrower is entitled to receive any surplus from the sale proceeds.

Within 90 days after an out-of-court foreclosure sale, the property ownership is transferred free and clear to the winning bidder.

Within 10 days after a court foreclosure sale, the court either confirms the sale or orders a resale. If confirmed, the property ownership is transferred to the winning bidder.

**Virginia**

Notice of Sale / Auction

Once the lender schedules the foreclosure sale, they must properly advertise the sale and notify the parties involved. In Virginia, the Notice of Sale publication dates vary based on the requirements of the deed of trust or state statute.

The newspaper where the notice of sale is published must be approved by court order certifying it has sufficient circulation within the county or city. The notice must include a legal description of the property, the terms of the sale, and the location, date, and time of the sale. Borrowers must receive at least 14 days notice before the foreclosure sale.

The trustee typically conducts the sale at the local courthouse between 9 a.m. and 5 p.m. The trustee announces the opening bid at the sale and may accept higher bids, with the property selling to the highest bidder. If no one bids, the foreclosing lender will win the bidding with the opening bid. The trustee completes the necessary documents to transfer ownership of the property to the highest bidder. The sale can’t be postponed, but it may be canceled, in which case the trustee would need to start the foreclosure process at the beginning to schedule a new sale.

In general, once the sale is final the borrower cannot redeem the property, but the lender may cancel the sale if the borrower is able to pay off what is owed.

A lender may pursue a borrower for a deficiency judgment if the highest bid does not pay off the total amount due plus applicable expenses.

**Washington**

Notice of Sale / Auction

If the borrower does not stop the foreclosure within 30 days after receiving the notice of default, the lender records a notice of sale with the county recorder. The notice of sale is recorded at least 90 days before the sale date and is mailed to the borrower and any other affected parties.

The notice of sale is also published twice in a local newspaper. The lender publishes the notice of sale once between the 32nd and 28th days prior to the sale, and once between the 11th and 7th days before the sale.

Foreclosure sales are by public auction with the property going to the highest bidder, who must pay in cash. For out-of-court foreclosures, the trustee transfers ownership to the winning bidder, who can take possession of the property 20 days after the foreclosure sale. The borrower has no right to redeem the property after an out-of-court foreclosure sale.

For court foreclosures, the borrower has redemption rights for one year from the date of sale. To redeem the property, the borrower has to pay the full amount due and applicable costs. During the redemption period, the borrower can remain in possession of the property if it is used as their primary residence.

**Washington, DC**

Notice of Sale / Auction

A lender must send a notice of foreclosure sale by certified mail to the owner of the property at least 30 days prior to the sale. The lender must also record the notice of sale with the recorder of deeds and mail a copy to the mayor or the mayor’s agent within this time frame. Traditionally, lenders also inform any lien holders about the sale.

The mortgage or deed of trust may include a particular time and place of the sale. If so, the procedure must be followed. If not, the lender or trustee acquires a court order specifying the sale terms. Likewise, the lender abides by any advertising requirements stipulated in the mortgage or deed of trust. If no requirements are included, the lender typically advertises the foreclosure sale in *The Washington Post* or *The Washington Times* five times prior to sale date.

The foreclosure sale is conducted by a licensed auctioneer and typically occurs at the auctioneer’s office.  If a trustee postpones the sale, a new notice of sale is republished and resent.  Once the sale is complete, the trustee’s deed is recorded.

The borrower has no rights of redemption after a deed of trust foreclosure sale.

**West Virginia**

Notice of Sale / Auction

If the borrower doesn’t pay off the default amount during the pre-foreclosure period, the lender can schedule a public auction. The minimum requirement for an out-of-court foreclosure is that there be a publication of the sale notice once a week for two weeks, but sometimes the trust deed may require publication of up to four weeks. A minimum of 20 days before the scheduled auction, a copy of the notice of sale must be mailed to the borrower and junior lien holders.

Foreclosure sales in West Virginia are conducted as public auctions, and bids are usually a minimum of two thirds to three fourths of the estimated value of the property. The property is sold to the highest bidder at the auction, and a trustee’s deed transferring ownership to the purchaser is usually recorded within 30 days.

The state of West Virginia provides for no redemption period, but lenders may allow for a redemption period voluntarily. According to federal law, the IRS as a lien holder has a post-sale redemption period of 120 days.

**Wisconsin**

Notice of Sale / Auction

The local sheriff gives notice of the time and place of sale either according to the law or as instructed in the court’s ruling. In most cases, the foreclosure sale cannot occur until after the owner’s reinstatement period is completed. The notice of sale is published within that 12-month period, although the first publication has to be at least 10 months after the date the court’s ruling is entered. The parties may consent to an earlier sale.

The sheriff conducts the foreclosure sale, and any party with 10 percent of their maximum bid at the sale may bid. The 10 percent amount must be payable to the county sheriff. Within 10 days, the sheriff files a report of the sale and deposits the proceeds with the clerk of the court. Upon confirmation of sale, the clerk pays the parties entitled to the sale proceeds and delivers the deed transferring ownership to the highest bidder, who must pay the balance of the sale price. If the buyer fails to pay the balance of the sale price within 10 days after the confirmation of sale, the deposit is forfeited, paid to the entitled parties, and a resale is held. If the court does not confirm the sale, the clerk refunds the buyer’s deposit and a resale occurs.

In the case of a surplus, other affected lien holders may file a notice with the clerk of the court, and the court determines who is entitled to any or part of the surplus.

If the property sells for less than the default amount and sale costs, the sale will not be confirmed and no judgment for deficiency rendered until the court is satisfied that the fair value of the property has been credited on the mortgage debt, interest and costs.

**Wyoming**

Notice of Sale / Auction

The notice of sale must be published in a local newspaper at least once a week for four consecutive weeks.

Foreclosure sales in Wyoming are handled by public auction, with the property going to the highest bidder. All sales are at the front door of the courthouse in the county where the property is located. The sale takes place between 9 a.m. and 5 p.m., and is conducted by the person appointed by the county sheriff. Anyone, including the lender, may bid and the highest bidder receives a certificate of purchase. If the borrower does not redeem the property during the redemption period, the winning bidder receives full ownership.

The borrower has three months after the date of the sale to redeem the property, provided that they pay the amount of the purchase price from the auction plus an interest rate of 10 percent and any taxes due.