

The Actual Foreclosure Sale

This event will occur at the time on the day at the location noticed for the scheduled foreclosure sale or the date of the postponed sale. It is a privately-conducted, publicly-held sale. This is called “crying” the sale (as in an auction). In a judicial foreclosure, the day and location of the sale will be determined by the court.

Homeowners: What Not To Do

Losing your home through foreclosure is a traumatic experience that usually occurs at a time when you may be facing significant financial, physical, or psychological stress.

While some homeowners choose to “walk away” from (abandon) or trash their homes in the face of foreclosure, it is important to realize that these actions carry potentially significant legal consequences.

Walk Away from (Abandon) the Home

A homeowner can stop making their mortgage loan payments and abandon their home. This plan is usually unsuccessful in the long-run. If you “walk away” from your home, you essentially abandon the property and your mortgage loan. Once your consumer loan is delinquent by 120 days or more, your lender or its servicing agent may begin the foreclosure process and you may not be off the hook.

- If your home loan is a non-purchase money loan (e.g., if it is a refinance loan with new principal advanced or a vacation home loan which is not your principle residence) you are not necessarily protected against future liability. If you “walk away” from this type of loan, you can be held liable for the lender’s losses following a judicial foreclosure sale, including court costs and attorney fees.