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The information here summarizes some of the important features of each state's law on foreclosures. When you use it, please keep in mind that:

This is only a summary of your state's laws and does not tell the entire story. It is intended for owners of single-family residences and doesn't address special laws for agricultural land or the rights of tenants in foreclosed homes owned by their landlords.

This discusses only the most common method of foreclosure in your state. For example, it provides information about non-judicial foreclosures for the states where they are the most common procedure, even though judicial foreclosures are allowed in some circumstances.

Laws change. Foreclosure laws and procedures are complex and subject to change by legislatures and to interpretation by courts.

For these reasons, you should use this information as a starting point for additional research using the resources described in Ch. 10. Citations to each state's statutes are included so you can look up the laws themselves.

You can cross-check the information in this appendix with the summaries at www.foreclosure.com/statelaw, and with the summaries of state law in *Foreclosure Prevention Counseling* by the National Consumer Law Center (see Chapter 10). Also check for updates by going to www.nolo.com/products/the-foreclosure-survival-guide-FIFO.html, then clicking "Legal Updates." Finally, you can also read my posts at www.bankruptcyforeclosureblog.com, which discusses important changes in foreclosure and bankruptcy law that may affect you.

Alabama

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under a power of sale in a deed of trust
Time to respond	Foreclosing party must publish notice in a newspaper of general circulation for four consecutive weeks; no requirement that the homeowner be served by mail.
Reinstatement of loan before sale	No
Redemption after sale	Available for one year after foreclosure if the property is surrendered to the buyer within ten days after a written demand is made.
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Ala. Code §§ 31-12-1 to 31-12-10
Deficiency judgments	May be obtained by filing a lawsuit.
Cash exempted in bankruptcy	None
Notice to leave after house is sold	Entitled to a written ten-day notice to leave before eviction proceedings may be brought.
Foreclosure statutes	Ala. Code §§ 35-10-1 to 35-10-30, 6-5-247 to 6-5-256

Alaska

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under a power of sale in a deed of trust
Time to respond	Not less than 30 days after default and not less than three months before sale
Reinstatement of loan before sale	Allowed any time before sale, but lender can refuse if this is third notice of default and sale
Redemption after sale	Nonjudicial: no right of redemption
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Alaska Stat. § 26.05.135
Deficiency judgments	Not allowed in nonjudicial foreclosures
Cash exempted in bankruptcy	\$1,750 for one person, \$3,500 for a married couple
Notice to leave after house is sold	New owner must give former owner a notice to quit (leave); new owner may bring special civil lawsuit to gain possession. Alaska Stat. § 09.45.630
Foreclosure statutes	Alaska Stat. § 34.20.070

Arizona

Topic	State Rule
Common types of foreclosure process	Nonjudicial: under power of sale in deed of trust Judicial: for mortgages, or if the trustee under a deed of trust chooses it
Time to respond	Judicial: Homeowner is entitled to at least 20 days' notice before lender records a notice to forfeit, and longer by the following amounts based on how much of the loan you've paid back, counting both the down payment and principal payments: <ul style="list-style-type: none"> • if you've paid less than 20% of the purchase price, 30 days • if you've paid 20% to 30% of the purchase price, 60 days • if you've paid 30% to 50% of the purchase price, 120 days • if you've paid 50% or more of the purchase price, nine months. At least 20 to 30 days after the notice of forfeiture has been recorded, the foreclosing party can file a foreclosure lawsuit; the homeowner will have 20 to 30 days to respond. Nonjudicial: Foreclosing party must record a notice of sale at least 90 days before sale and must mail it by certified mail to homeowner within five business days after recording.
Reinstatement of loan before sale	Nonjudicial: allowed until last day before sale date Judicial: allowed any time before complaint filed
Redemption after sale	Nonjudicial: not available Judicial: allowed up to six months after sale if property isn't abandoned and isn't agricultural land and up to 30 days if property is abandoned
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Ariz. Rev. Stat. Ann. § 6-1260(L)
Deficiency judgments	Not allowed in nonjudicial foreclosures for property up to 2½ acres or single- or two-family residence. For other properties, allowed if lawsuit is filed within 90 days of foreclosure sale.
Cash exempted in bankruptcy	\$150
Notice to leave after house is sold	New owner must demand that former owner leave. The law does not specify a time for former owner to leave. If former owner doesn't leave, new owner may go to court for a writ of possession.
Foreclosure statutes	Ariz. Rev. Stat. §§ 33-741 to 33-749, 33-801 to 33-821, 12-1281 to 12-1283, 12-1566

Arkansas

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust
Time to respond	Foreclosing party must give homeowner at least a 30-day notice of default and intent to sell (up to 30 days longer if the foreclosing party mails the notice immediately after recording it). The foreclosing party must also publish notice in a local newspaper for four weeks before sale, and must post the notice at the courthouse and on any website where local legal notices are routinely posted.
Reinstatement of loan before sale	Allowed up to the date of sale
Redemption after sale	Nonjudicial: none allowed
Special protections for foreclosures involving high-cost mortgages	Arkansas Home Loan Protection Act is intended as a remedy against abusive lending practices for all loans on a primary residence, other than the first mortgage, that are for \$150,000 or less. The Act is very technical but offers TILA rescission (see Ch. 7) as a remedy for an intentional violation as well as monetary damages. Ark. Code Ann. §§ 23-53-101 to 106
Special state protections for service members	Ark. Code Ann. § 12-62-718
Deficiency judgments	Allowed for difference between the lesser of indebtedness minus market value of the property and the indebtedness minus the sales price. Lawsuit must be filed within one year of sale.
Cash exempted in bankruptcy	About \$11,000 for one person, \$22,000 for a married couple under federal bankruptcy exemptions
Notice to leave after house is sold	State law does not specify an amount of notice that must be given before former owner can be evicted. Check with a resource (see Ch.10) to see what the general practice is where you live.
Foreclosure statutes	Ark. Code Ann. §§ 18-50-101 to 18-50-116

California

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust
Time to respond	For mortgages written between January 1, 2003 and December 31, 2008, lender must personally contact homeowner 30 days before sending notice of default (Cal Civ Code 2923.5). All homeowners get a 90-day notice of default and a 20-day notice of sale.
Reinstatement of loan before sale	Allowed up to five days before the sale date
Redemption after sale	None if deficiency judgment is waived or prohibited
Special protections for foreclosures involving high-cost mortgages	Cal. Fin. Code § 4973 makes a number of abusive loan practices unlawful. Section 4978 provides remedies that include authority for a judge to reform the loan to comply with the law. These provisions don't apply to mortgages held by the secondary market (Fannie Mae, Freddie Mac) or to assignees who have no reason to know of the loan origination violations.
Special state protections for service members	Cal. Mil. & Vet. Code §§ 400 to 409.13
Deficiency judgments	Not allowed in nonjudicial foreclosures
Cash exempted in bankruptcy	Up to about \$22,000 under California exemption System 2
Notice to leave after the house is sold	New owner must give former homeowner 3-day Notice to Quit (leave) and file an unlawful detainer lawsuit to evict.
Foreclosure statutes	Cal. Civ. Code §§ 2923.5, 2924 to 2924I

Colorado

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust. The foreclosing party must file proof of ownership and the homeowner's default with a public trustee, who oversees the process. The mortgage holder must separately obtain a court order in a Rule 120 hearing authorizing the sale and give the public trustee a copy of the order before the sale date.
Time to respond	<p>Thirty days before recording the Notice of Election and Demand, and at least 30 days after the first default in payments, borrower must be served with information about state hotline and how to contact the foreclosing party's loss-mitigation department.</p> <p>After the Notice of Election and Demand has been recorded, public trustee must mail notice to the homeowner within ten days after recording a notice of sale, and 110 to 125 days before first scheduled sale date. The combined notices mailed by the public trustee must advise the homeowner of the right to reinstate the mortgage.</p>
Reinstatement of loan before sale	Allowed until noon on the day before the sale, provided that homeowner gives the foreclosing party written notice (no later than 15 days before the sale date) of intent to reinstate the mortgage
Redemption after sale	Available to some lienholders but not to homeowner
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	None
Deficiency judgments	Allowed, but the homeowner can defeat the action for a deficiency judgment if the house was sold for less than its fair market value
Cash exempted in bankruptcy	None
Notice to leave after house is sold	New owner does not have to give notice to former owner before going to court. Former owner is served with a notice of the court proceeding and has three to five days to respond. If former owner responds, the court schedules a hearing within two weeks. If former owner loses, the sheriff can physically move out former owner in a few days.
Foreclosure statutes	Colo. Rev. Stat. §§ 38-38-100.3 to 38-38-114

Connecticut

Topic	State Rule
Common type of foreclosure process	Judicial: optional strict foreclosure—court can transfer title directly to foreclosing party without ordering a sale.
Time to respond	After the foreclosing party files the foreclosure lawsuit, homeowner has 20 to 30 days to respond. Until July 1, 2010, no foreclosure judgment can be entered within 90 days from the return date on the summons and complaint, to allow time for mediation.
Reinstatement of loan before sale	No
Redemption after sale	If court orders sale, may also set redemption period
Special protections for foreclosures involving high-cost mortgages	No laws regarding high-cost mortgages. But certain homeowners who are underemployed or unemployed can ask the court for protection from foreclosure and modification of mortgage terms to give relief from paying of arrearages.
Special state protections for service members	Conn. Gen. Stat. § 36a-737
Deficiency judgments	May be obtained within 30 days after the redemption period expires.
Cash exempted in bankruptcy	About \$11,000 for one person, \$22,000 for a married couple under federal bankruptcy exemptions
Notice to leave after house is sold	None. Judge can order immediate physical removal of former owners.
Foreclosure statutes	Conn. Gen. Stat. §§ 49-1 to 49-31i

Delaware

Topic	State Rule
Common type of foreclosure process	Judicial
Time to respond	Homeowner has 20 days to respond to Order to Show Cause why the foreclosure should not proceed. After court grants a judgment of foreclosure, homeowner gets a 10-day notice of sale.
Reinstatement of loan before sale	None
Redemption after sale	Available until court confirms sale
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	None
Deficiency judgments	May be obtained by filing a separate lawsuit after a court has issued a foreclosure judgment
Cash exempted in bankruptcy	\$500 for one person, \$1,000 for a married couple
Notice to leave after house is sold	Five days after sale, new owner can file a summary eviction lawsuit. Former owner has five to 30 days before a hearing on the complaint is held. If former owner loses at the hearing or doesn't appear, court will order the sheriff to remove former owner. Del. Code Ann. Tit. 25, Ch 5702-5718
Foreclosure statute	Del. Code Ann. tit. 10, § 5061

District of Columbia

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust
Time to respond	Before sale, foreclosing party must send 30-day notice of sale to homeowner by registered or certified mail and send a copy of the notice to the DC mayor. The 30-day period begins when the mayor receives notice.
Reinstatement of loan before sale	Allowed up to five days before the sale, once in two consecutive years
Redemption after sale	No
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	None
Deficiency judgments	May be obtained by filing a lawsuit
Cash exempted in bankruptcy	About \$11,000 for one person, \$22,000 for a married couple under federal bankruptcy exemptions
Notice to leave after house is sold	DC law does not specify an amount of notice that must be given before former owner can be evicted. Ask a resource (see Ch.10) about local practice.
Foreclosure statute	D.C. Code Ann. § 42-815

Florida

Topic	State Rule
Common type of foreclosure process	Judicial
Time to respond	If foreclosing party asks for an order to show cause why the foreclosure should not proceed, homeowner has 21 days to respond after personal service or 31 days after the date notice is first published. Foreclosing party must publish notice of sale for two consecutive weeks at least five days before sale.
Reinstatement of loan before sale	Allowed for high-cost loans. Fla. Stat. Ann. § 494.00794
Redemption after sale	Available until the court clerk files a certificate of sale
Special protections for foreclosures involving high-cost mortgages	Protections apply to high-cost loans as defined in HOEPA (see Ch. 7). Florida Fair Lending Act, Fla. Stat. Ann. §§ 494.0079, 494.00794
Special state protections for service members	Fla. Stat. Ann. §§ 250.5201 to 250.5205
Deficiency judgments	Allowed if homeowner is personally served in foreclosure lawsuit. Court has flexibility regarding amount of deficiency, regardless of the type of mortgage involved. Foreclosing party may also file a separate lawsuit for breach of contract against homeowner for a deficiency, except that an original lender who ends up with the property at the foreclosure sale can't sue homeowner on a mortgage used to buy the house.
Cash exempted in bankruptcy	\$1,000 for one person, \$2,000 for a married couple
Notice to leave after house is sold	Former owner has five days to respond to a civil complaint filed by new owner to gain possession of property.
Foreclosure statutes	Fla. Stat. Ann. §§ 702.01, 701.10, 45.031 and 45.0315

Georgia

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust
Time to respond	Foreclosing party must mail notice to homeowner 30 days before sale. Additional notice by publication in a newspaper of general circulation may be required.
Reinstatement of loan before sale	High-cost loans may be reinstated until the sale.
Redemption after sale	No
Special protections for foreclosures involving high-cost mortgages	Additional notices required for high-cost loans. Georgia Fair Lending Act, Ga. Code Ann. §§ 7-6A-1 to 7-6A-13
Special state protections for service members	Ga. Code Ann. § 46-5-8
Deficiency judgments	Not unless court confirms that property was sold at its fair market value
Cash exempted in bankruptcy	\$5,600 for one person, \$11,200 for a married couple
Notice to leave after house is sold	New owner may demand that former owner leave and may immediately seek an order ousting former owner. Ga. Code Ann. § 44-7-50
Foreclosure statutes	Ga. Code Ann. §§ 44-14-160 to 44-14-191

Hawaii

Topic	State Rule
Common types of foreclosure process	Regular procedure under power of sale in deed of trust. Alternate nonjudicial procedure for mortgages signed after July 1, 1999.
Time to respond	Nonjudicial: Foreclosing party must be represented by an attorney, who must publish notice in newspaper once per week for three consecutive weeks, ending 14 days before sale, and post notice on property at least 21 days before sale. Federally insured banks and other federal lending institutions have an alternative: They can give homeowner a 60-day notice of default before sale.
Reinstatement of loan before sale	Nonjudicial: allowed in regular nonjudicial foreclosures up to 60 days after the notice of default. Allowed in alternative nonjudicial foreclosures until three days before sale.
Redemption after sale	No
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Haw. Rev. Stat. §§ 657D-1 to 657D-63
Deficiency judgments	Allowed when alternate foreclosure procedure used (for cases involving mortgages signed after July 1, 1999) but not when regular procedure used.
Cash exempted in bankruptcy	About \$11,000 for one person, \$22,000 for a married couple under federal bankruptcy exemptions.
Notice to leave after house is sold	Former owner is subject to eviction or ejectment (a common law procedure to “eject” an occupant). Either way, new owner must get a court order to remove former homeowner.
Foreclosure statutes	Haw. Rev. Stat. §§ 667-1 to 667-46

Idaho

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust
Time to respond	Foreclosing party must give homeowner 120-day Notice of Default and Sale before the date set for sale, make additional attempts to personally serve homeowner with notice of sale, post notice of sale on property at least 30 days before the sale, and publish notice of sale over four consecutive weeks at least 30 days before sale.
Reinstatement of loan before sale	Available within 115 days after Notice of Default and Sale is filed.
Redemption after sale	No
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Idaho Code § 46-409
Deficiency judgments	May be obtained in a lawsuit brought within three months after sale. Amount of deficiency is limited by fair market value at time of sale, as found by the court.
Cash exempted in bankruptcy	None
Notice to leave after house is sold	New owner is entitled to possession of the property on the 10th day following sale but must go to court to evict former owner. An eviction trial must be scheduled within 12 days after the filing of the complaint and service of the summons.
Foreclosure statutes	Idaho Code §§ 45-1502 to 45-1515

Illinois

Topic	State Rule
Common type of foreclosure process	Judicial
Time to respond	Homeowner has 20 to 30 days to respond after being served with summons and complaint. After court issues a judgment of foreclosure, notice must be published between 45 and seven days before sale. No notice need be mailed to homeowner.
Reinstatement of loan before sale	Available within 90 days after foreclosure complaint is served on homeowner. Under High-Risk Home Loan Act, foreclosing party must serve notice of right to reinstate at least 30 days before starting foreclosure lawsuit.
Redemption after sale	Allowed for seven months after the complaint is served or three months after foreclosure judgment entered, whichever is later.
Special protections for foreclosures involving high-cost mortgages	Special defenses to foreclosure lawsuit. High-Risk Home Loan Act, 815 Ill. Comp. Stat §§ 137/1 to 137/175
Special state protections for service members	330 Ill. Comp. Stat. § 60/5.1
Deficiency judgments	May be sought as part of the foreclosure lawsuit
Cash exempted in bankruptcy	\$4,000 for one person, \$8,000 for a married couple
Notice to leave after house is sold	Court may order homeowner removed 30 days after sale. New owner must file a complaint for forcible entry and detainer to remove any occupant who wasn't personally served in the foreclosure case. 735 Ill. Comp. Stat. §§ 5/9–101, 5/15–1508(g), 5/15-1701
Foreclosure statutes	735 Ill. Comp. Stat §§ 5/15-1501 to 5/15-1512

Indiana

Topic	State Rule
Common type of foreclosure process	Judicial
Time to respond	Foreclosing party must give homeowner 30 days' notice before filing foreclosure complaint. The notice (a copy of first publication of notice of sale which must be made once a week for three consecutive weeks, the first publication to be made at least 30 days before action commenced) must be personally served on borrower. After the complaint is filed, house can't be sold for three months for mortgages signed after July 1, 1975, and longer for earlier mortgages.
Reinstatement of loan before sale	Available for high-cost home loans (defined in Ind. Code § 24-9-2-8), any time before sale
Redemption after sale	Available any time before the final judgment.
Special protections for foreclosures involving high-cost mortgages	Penalties for violations; violations may also be used to fight foreclosure by rescinding loan under HOEPA (see Ch. 7). Not applicable to loans taken up or guaranteed in secondary market by federal entities (Freddie Mac, Fannie Mae, FHA, VA). Ind. Code §§ 24-9-5-1 to 24-9-5-6
Special state protections for service members	None
Deficiency judgments	Allowed if authorized by loan or written agreement and if homeowner does not waive applicable waiting period (which might happen if former owner agrees to move if new owner agrees not to seek a deficiency judgment)
Cash exempted in bankruptcy	\$300 for one person, \$600 for a married couple
Notice to leave after house is sold	New owner must ask court for possession of property after giving former owner five-day notice to quit (leave). Ind. Code § 32-30-3-2
Foreclosure statutes	Ind. Code §§ 32-30-10-1 to 32-30-10-14; 32-29-1-1 to 32-29-1-11; 32-29-7-1 to 32-29-7-14

Iowa

Topic	State Rule
Common type of foreclosure process	Judicial Nonjudicial alternative is available if homeowner agrees to give up possession and lender agrees to waive any deficiency (essentially the same result as a deed in lieu of foreclosure—see Ch. 8).
Time to respond	Foreclosing party must mail notice of default and right to cure (reinstate) to homeowner at least 30 days before filing suit and must post and publish notice four weeks before filing suit.
Reinstatement of loan before sale	Available within 30 days after homeowner receives notice of default.
Redemption after sale	Judicial: allowed for one year.
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Iowa Code § 29A.102
Deficiency judgments	Allowed. If, however, the lender elects to file a foreclosure lawsuit and asks the court to disallow the statutory redemption period, then it also waives its right to sue for a deficiency.
Cash exempted in bankruptcy	\$100 for one person, \$200 for a married couple
Notice to leave after house is sold	New owner must file an eviction (forcible entry and detainer) lawsuit. The judge will order a hearing to be held no more than seven days later. Former owner must be personally served with notice not less than three days before the hearing. Iowa Code § 648.5
Foreclosure statutes	Iowa Code §§ 654.1 to 654.26, 628.26, 628.27

Kansas

Topic	State Rule
Common type of foreclosure process	Judicial
Time to respond	Homeowner who is personally served with the complaint has 20 days to respond; if notice is only by publication in a local newspaper of general circulation, homeowner has 41 days to respond. After court issues a foreclosure judgment, foreclosing party must publish a notice of sale at least three times; last publication must be between seven and 14 days before sale date.
Reinstatement of loan before sale	No
Redemption after sale	Available within 12 months of sale if property was abandoned; within three months if less than one-third of original debt has been paid (only the owner can redeem for two months—after that, junior lienholders can redeem in place of the homeowner); within 12 months if all mortgage debt on property totals less than one-third of the house's market value (only homeowner can redeem for three months). After a hearing with 21 days' advance notice is held at homeowner's request, the court may grant a three-month extension if homeowner loses his or her job after sale.
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	None
Deficiency judgments	Allowed if court confirms that the price paid for property at sale is adequate compared to its fair market value. Sales price that covers foreclosing party's judgment is considered adequate.
Cash exempted in bankruptcy	None
Notice to leave after house is sold	New owner does not have to send former owner a notice to terminate. New owner must file a petition for "ejectment," which is a summary process that typically results in a court order evicting former owner within a week or two. Kan. Stat. Ann. §§ 58-2509, 60-1001
Foreclosure statute	Kan. Stat. Ann. § 60-2410

Kentucky

Topic	State Rule
Common type of foreclosure process	Judicial
Time to respond	Homeowner has 20 days to respond after being served with the complaint. If court issues a foreclosure judgment, foreclosing party must post notice on courthouse door or publish notice once a week for three weeks at least 15 days before the sale.
Reinstatement of loan before sale	If loan is a high-interest loan (under Ky. Rev. Stat. Ann. § 360.100), foreclosing party must serve notice of right to reinstatement at least 30 days before filing the foreclosure complaint.
Redemption after sale	Allowed within one year of sale, if sale amount is less than two-thirds of property's appraised value. Homeowner must pay full amount of the price paid for property at foreclosure sale, plus 10%.
Special protections for foreclosures involving high-cost mortgages	Protection against and remedies for a laundry list of abusive lending practices and loan conditions. Ky. Rev. Stat. Ann. § 360.100
Special state protections for service members	Ky. Rev. Stat. Ann. § 38.510
Deficiency judgments	Allowed if homeowner is personally served with the complaint or fails to answer the complaint
Cash exempted in bankruptcy	\$1,000 for one person, \$2,000 for a married couple
Notice to leave after house is sold	Former owner may be required to move immediately after court-ordered sale under an immediate writ of possession issued by the court. Check with the sheriff to see how much time you have to move out, if any.
Foreclosure statutes	Ky. Rev. Stat. Ann. §§ 426.525 to 426.720

Louisiana

Topic	State Rule
Common type of foreclosure process	Judicial, but most commonly is brought through an “executory” proceeding, which operates like a nonjudicial foreclosure. In the mortgage document, the homeowner will typically have “confessed to judgment” in case of a default. The foreclosing party files a foreclosure petition with the mortgage attached, and the court summarily orders the property seized and sold unless the homeowner appeals or brings a lawsuit asking the court to stop (enjoin) the proceeding (see Ch. 7).
Time to respond	Notice of sale is part of the petition that is posted on the property as notice of the executory proceeding.
Reinstatement of loan before sale	None
Redemption after sale	None
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	La. Rev. Stat. Ann. § 29:315
Deficiency judgments	Yes; can be gotten in an ordinary proceeding, or in an executory proceeding if the property has been properly appraised
Cash exempted in bankruptcy	None
Notice to leave after house is sold	Sheriff may seize property after receiving writ of seizure and sale from the court. No notice required. La. Code Civ. Proc. Ann. Art. 2721
Foreclosure statutes	La. Code Civ. Proc. Ann. Arts. 3721 to 3753, 2631 to 2772

Maine

Topic	State Rule
Common type of foreclosure process	Judicial
Time to respond	Homeowner has 20 to 30 days to respond after being served with summons and complaint. After the court issues a foreclosure judgment, and within 90 days after the redemption period (see below) ends, foreclosing party must publish notice of public sale for three consecutive weeks. Sale must be held 30 to 45 days after date of first publication. Foreclosing party must also mail a notice of sale at least 30 days before sale date.
Reinstatement of loan before sale	Court can issue a conditional judgment if foreclosing party proves homeowner has defaulted on payments. After judgment is issued, homeowner has two months to reinstate and can get a two-month extension of this right. Also, lender, in its sole discretion, may let homeowner reinstate the loan any time before the sale.
Redemption after sale	On mortgages executed before October 1, 1975, redemption period is one year from the date of the judgment. On later mortgages, redemption period is 90 days from the date of the judgment. Period begins when foreclosure judgment is entered, unless homeowner appeals it. Me. Rev. Stat. Ann. tit. 14, § 6322
Special protections for foreclosures involving high-cost mortgages	Law allows for damages and for assignee liability but doesn't appear to provide a defense to foreclosure itself. Me. Rev. Stat. Ann. tit. 9-A, §§ 8-103(1-A), 8-206-A to 8-206-G.
Special state protections for service members	Me. Rev. Stat. Ann. tit. 37-B, § 387
Deficiency judgments	Allowed with some limitations
Cash exempted in bankruptcy	\$6,400 for one person, \$12,800 for a married couple
Notice to leave after house is sold	No special provisions for evictions following foreclosure. New owner will likely have to go to court to get an eviction order. Court-ordered evictions usually take two weeks to a month, depending on whether or not former owner responds to the lawsuit.
Foreclosure statutes	Me. Rev. Stat. Ann. tit. 14, §§ 6101 to 6325

Maryland

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust, but a court must ratify the sale for clear title to pass to the new owner
Time to respond	Foreclosing party must serve homeowner with notice of intent to foreclose at least 45 days before sale date. Service must be by first-class and certified mail, return receipt requested. Foreclosing party must also publish notice for three consecutive weeks, with the last week at least one week before sale. In addition, person authorized to make the sale must serve (by certified mail, return receipt requested) a notice of sale on homeowner at least 10 days but not more than 30 days before sale.
Reinstatement of loan before sale	Allowed until one day before sale date, if homeowner pays foreclosing party the amount due plus costs and fees
Redemption after sale	None
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Md. Code Ann. [Pub. Safety] § 13-705
Deficiency judgments	Foreclosing party may request this of the supervising court after the sale
Cash exempted in bankruptcy	\$6,000 for one person, \$12,000 for a married couple
Notice to leave after house is sold	No special provisions for evictions following foreclosure. New owner will likely have to go to court to get an eviction order. Court-ordered evictions usually take two weeks to a month, depending on whether or not former owner responds to the lawsuit.
Foreclosure statute	Md. Code Ann. [Real Prop.] §§ 7-105 to 7-105.8

Massachusetts

Topic	State Rule
Common types of foreclosure process	Nonjudicial: under power of sale in deed of trust Judicial: also available. The foreclosing party may sue to get a writ of possession and conditional judgment.
Time to respond	Prior to accelerating the loan and initiating foreclosure proceedings, the foreclosing party must mail to the homeowner by first class mail a 90-day notice of homeowner's right to reinstate the mortgage and that homeowner may be eligible for state agency assistance. After loan is accelerated, the foreclosing party must send by (registered or certified mail) notice to homeowner at least 14 days before the sale date, and publish notice for three consecutive weeks before the sale date.
Reinstatement of loan before sale	If the foreclosing party gets a conditional judgment, the homeowner has two months to reinstate the mortgage. If loan is covered by state Predatory Home Loan Practices Act, lender must offer homeowner reasonable opportunity to reinstate the loan.
Redemption after sale	None
Special protections for foreclosures involving high-cost mortgages	Homeowner can rescind a high-cost loan and use rescission as a defense to the foreclosure. Assignees of the loan may be sued for lender or loan originator abusive lending activities except for governmental entities such as Freddie Mac and Fannie Mae. Predatory Home Loan Practices Act, Mass. Gen. Laws ch. 183C, §§ 1-19
Special state protections for service members	None
Deficiency judgments	Can be obtained in separate lawsuit if a notice of intent to seek a deficiency is included in notice of sale, and the notice of sale is mailed to homeowner at least 21 days before sale date.
Cash exempted in bankruptcy	About \$11,000 for one person, \$22,000 for a married couple under the federal bankruptcy exemptions
Notice to leave after house is sold	New owner may gain possession by consent or peaceable entry. If foreclosing party has a writ of possession under a conditional judgment, then if homeowner doesn't reinstate the loan during the reinstatement period, new owner can use the writ of possession to remove former owner without further notice or process.
Foreclosure statutes	Mass. Gen. Laws ch. 244, § 14, 35A

Michigan

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust
Time to respond	Foreclosing party must publish notice once a week for four consecutive weeks before sale and post a notice on property within at least 15 days of first publication. No notice need be mailed to homeowner.
Reinstatement of loan before sale	Nonjudicial: no Judicial: allowed any time before sale
Redemption after sale	If homeowner occupies property and more than two-thirds of the original mortgage is still owed, redemption allowed for six months. If less than two-thirds is owed, the redemption period is one year. If the property is abandoned and at least two-thirds of the mortgage is still owed, redemption period is one to three months. Mich. Comp. Laws § 600.3240
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Mich. Comp. Laws §§ 32.517, 600.3185, 600.3285
Deficiency judgments	Yes, if the mortgage holder buys the property at the foreclosure sale.
Cash exempted in bankruptcy	About \$11,000 for one person, \$22,000 for a married couple under federal bankruptcy exemptions
Notice to leave after house is sold	Nonjudicial: no special provisions for evictions following a foreclosure. New owner will likely have to go to court to get an eviction order. Court-ordered evictions usually take two weeks to a month, depending on whether or not former owner responds to the lawsuit. Judicial: Judge may order possession to new owner when redemption period ends, if house has not been redeemed.
Foreclosure statutes	Mich. Comp. Laws §§ 600.3101 to 600.3180, 600.3201 to 600.3285

Minnesota

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust
Time to respond	Foreclosing party must serve notice of sale on homeowner at least four weeks before the sale and must publish the notice six weeks before the sale. Must include two notices entitled, "Help for Homeowners in Foreclosure," and "Foreclosure: Advice to Tenants."
Reinstatement of loan before sale	Available any time before the foreclosure sale
Redemption after sale	For most homeowners, available for six months after the sale. Former owner may stay in the house during this period (Section 581.11, 504B.285)
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Minn. Stat. §§ 72A.20(8)(b),(c)
Deficiency judgments	Nonjudicial: not available with a six-month redemption period (which will usually be the case)
Cash exempted in bankruptcy	About \$11,000 for one person, \$22,000 for a married couple under federal bankruptcy exemptions
Notice to leave after house is sold	New owner must give two months' written notice after redemption period ends before filing an eviction lawsuit. Minn. Stat. § 504B.285
Foreclosure statutes	Minn. Stat. §§ 580.01 to 580.30

Mississippi

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust
Time to respond	Foreclosing party must publish notice of sale three consecutive weeks before sale date. No notice need be mailed to homeowner.
Reinstatement of loan before sale	Available until date of sale
Redemption after sale	No
Special protections for foreclosures involving high-cost mortgages	None
Special State procedures for service members	Miss. Code Ann. § 75-24-5(2)(m)
Deficiency judgments	May be obtained if lawsuit filed within one year of the sale. The deficiency may be denied if lender is also the buyer and the court concludes the house sold for less than its market value.
Cash exempted in bankruptcy	None
Notice to leave after house is sold	No special provisions for evictions following foreclosure. New owner will likely have to go to court to get an eviction order. Court-ordered evictions usually take two weeks to a month, depending on whether or not former owner responds to the lawsuit.
Foreclosure statutes	Miss. Code. Ann. §§ 89-1-55 to 89-1-59

Missouri

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust
Time to respond	Foreclosing party must send, by registered and certified mail, 20-day notice to homeowner.
Reinstatement of loan before sale	No
Redemption after sale	Available up to a year after sale, if homeowner gives foreclosing party a notice of intent to redeem 10 days before sale and the lender buys the property at foreclosure sale
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Mo. Ann. Stat. § 41.944
Deficiency judgments	May be obtained in a separate lawsuit, whether or not sales price is the property's fair market value
Cash exempted in bankruptcy	\$600 for one person, \$1,250 for a married couple
Notice to leave after house is sold	Former owner must get one month's written notice to vacate premises. Mo. Rev. Stat. § 441.060
Foreclosure statutes	Mo. Rev. Stat. §§ 443.290 to 443.453

Montana

Topic	State Rule
Common type of foreclosure process	Foreclosing party can choose nonjudicial under power of sale in deed of trust, or judicial if a law called the Small Tract Financing Act applies, foreclosure must be nonjudicial. The Act may apply if homeowner executed an agreement called a trust indenture to get a loan to buy property of less than 40 acres.
Time to respond	Foreclosing party must give homeowner a 30-day notice before sale, or a 120-day notice if foreclosure is under Small Tract Financing Act.
Reinstatement of loan before sale	No provision for reinstatement in regular foreclosure. If foreclosure is under Small Tract Financing Act, allowed any time before sale
Redemption after sale	Available within one year after sale unless foreclosure is under Small Tract Financing Act—in that case, redemption is not available.
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Mont. Code Ann. § 10-1-903
Deficiency judgments	Only if the foreclosure is judicial
Cash exempted in bankruptcy	None
Notice to leave after house is sold	Former owner may stay for one-year redemption period if it's available. If foreclosure is under Small Tract Financing Act, new owner is entitled to possession 10 days after sale, but must give former owner a 30-day notice to quit (leave) before filing an eviction lawsuit.
Foreclosure statutes	Mont. Code Ann. §§ 71-1-221 to 71-1-235 and §§ 71-1-301 to 71-1-321

Nebraska

Topic	State Rule
Common type of foreclosure process	Nonjudicial
Time to respond	After court issues foreclosure judgment, foreclosing party must post a notice of sale on the courthouse door and in five other public places and publish notice weekly for four weeks.
Reinstatement of loan before sale	Available while foreclosure lawsuit is proceeding and after the court issues a decree of sale but before sale. If mortgage is reinstated after decree of sale, the court will enter a judgment of foreclosure and sale but stay the effect of the judgment as long as homeowner stays current on payments.
Redemption after sale	No
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	None
Deficiency judgments	May be obtained by filing separate lawsuit after a court issues a foreclosure judgment. Within three months after foreclosure sale, can bring an action seeking a deficiency judgment on the note (which reopens the foreclosure and sale). Judgment is limited by property's fair market value.
Cash exempted in bankruptcy	\$2,500 for one person, \$5,000 for a married couple
Notice to leave after house is sold	In foreclosure judgment, court may order former owner to leave.
Foreclosure statutes	Neb. Rev. Stat. §§ 76-1005, 76-1018

Nevada

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust
Time to respond	Foreclosing party must give homeowner a three-month Notice of Default and Election to Sell and a three-week notice of sale.
Reinstatement of loan before sale	Within 35 days after foreclosing party records notice of default in local land records office
Redemption after sale	No
Special protections for foreclosures involving high-cost mortgages	If trust deed was entered into on or after October 1, 2003 and is subject to HOEPA (see Ch. 7), homeowner must be personally served with an additional 60-day notice before date of sale. Violations of high-cost home loan statutes support a defense to foreclosure. Nev. Rev. Stat. §§ 598D.010 through 598D.150
Special state protections for service members	None
Deficiency judgments	May be obtained by filing a separate lawsuit within six months of foreclosure sale. Amount is limited to the lesser of: <ul style="list-style-type: none"> • the amount by which amount of loan exceeds property's fair market value, or • the difference between sale price and amount of loan with interest from date of sale.
Cash exempted in bankruptcy	None
Notice to leave after house is sold	New owner must give former owner a three-day notice to quit (leave) before filing an eviction lawsuit. Nev. Rev. Stat. § 40.290
Foreclosure statute	Nev. Rev. Stat. § 107.080

New Hampshire

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust
Time to respond	Foreclosing party must either personally serve homeowner with notice 25 days before the sale or publish the notice once a week for three consecutive weeks, with the first publication at least 20 days before the sale.
Reinstatement of loan before sale	No
Redemption after sale	No
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	N.H. Rev. Stat. Ann. § 540:11-a
Deficiency judgments	May be obtained by filing separate lawsuit after the foreclosure sale, provided lender acts in good faith regarding the sale price.
Cash exempted in bankruptcy	About \$11,000 for one person, \$22,000 for a married couple under federal bankruptcy exemptions
Notice to leave after house is sold	New owner must give former owner a 30-day notice to quit (leave) before bringing an eviction lawsuit. Former owner has seven days to respond after being served by sheriff.
Foreclosure statute	N.H. Rev. Stat. Ann. § 479:25

New Jersey

Topic	State Rule
Common type of foreclosure process	Judicial
Time to respond	Foreclosing party must send notice, by registered or certified mail, return receipt requested, to homeowner 30 days before filing a foreclosure lawsuit. For residential mortgages only, foreclosing party must also post notice on the property four times in four weeks before filing suit or publish notice in two newspapers and mail to the mortgagor and other parties.
Reinstatement of loan before sale	Up to date of final judgment of foreclosure. Judgment may be delayed if homeowner needs extra time to reinstate.
Redemption after sale	If mortgage holder obtains a deficiency judgment, homeowner can bring action for redemption within six months after deficiency judgment is entered.
Special protections for foreclosures involving high-cost mortgages	Foreclosure must be filed in court. Home Ownership Security Act, N.J. Stat. Ann. §§ 46:10B-22 to 10B-35
Special state protections for service members	N.J. Stat. Ann. §§ 38:23C-1 to 38:23C-26
Deficiency judgments	May be obtained by filing a separate lawsuit within three months of sale; amount limited to difference between loan and fair market value.
Cash exempted in bankruptcy	About \$11,000 for one person, \$22,000 for a married couple under federal bankruptcy exemptions
Notice to leave after house is sold	Former owner is not entitled to notice to leave.
Foreclosure statutes	N.J. Stat. Ann. §§ 2A:50-1 to 2A:50-21, 2A:50-56 to 2A:50-58

New Mexico

Topic	State Rule
Common types of foreclosure process	Judicial and nonjudicial
Time to respond	Judicial: Homeowner has 20 to 30 days to respond after being served with summons and complaint. After the court issues a foreclosure judgment, sale may not occur for 30 days. Foreclosing party must publish notice of sale four consecutive weeks before sale in a newspaper printed in the county (or if there is none, then in the official newspaper for the county) and also post notices in six of the most public places in the county. Nonjudicial: 90 days after foreclosing party records notice of sale
Reinstatement of loan before sale	Only if loan is a high-cost loan. Homeowner must be given a 30-day opportunity to reinstate before complaint filed.
Redemption after sale	Nonjudicial: Available for nine months after sale unless deed of trust provides for shorter period.
Special protections for foreclosures involving high-cost mortgages	Assignees of high-cost loans may be held responsible for acts of lenders and mortgage originators and violations may be used to defend against the foreclosure (see Ch. 7). Home Loan Protection Act, N.M. Stat. Ann. §§ 58-21A-1 to 58-21A-14
Special state protections for service members	N.M. Stat. Ann. § 20-4-7.1
Deficiency judgments	Nonjudicial: May be obtained by filing a separate lawsuit; may not be recovered against a low-income household.
Cash exempted in bankruptcy	About \$11,000 for one person, \$22,000 for a married couple under federal bankruptcy exemptions
Notice to leave after house is sold	New owner must give the former owner a three-day notice to quit (leave) before filing an eviction lawsuit, to which former owner has three to seven days to respond.
Foreclosure statutes	N.M. Stat. Ann. §§ 48-7-1 to 48-7-24, 39-5-1 to 39-5-23 (judicial); 48-10-1 to 48-10-21 (nonjudicial)

New York

Topic	State Rule
Common types of foreclosure process	Judicial and nonjudicial
Time to respond	Homeowner has 20 to 30 days to respond to lawsuit.
Reinstatement of loan before sale	Any time before final foreclosure judgment
Redemption after sale	None
Special protections for foreclosures involving high-cost mortgages	Prior to beginning foreclosure action on high cost loan, subprime loan or “non-traditional” loan, foreclosing party must send 90 day notice of Intent to foreclose and how to contact government approved housing counselors. N.Y. Real Prop. Acts. Law § 1304. If lender violated provisions that apply to high-cost loans, homeowner may use this as a defense against foreclosure. N.Y. Banking Law § 6-l, N.Y. Real Prop. Acts. Law § 1302; also, Real Property Law § 265-a (Home Equity Theft Prevention Act).
Special state protections for service members	N.Y. Mil. Law § 308
Deficiency judgments	Allowed if homeowner is personally served or appears in the lawsuit. The amount is the amount of the debt less the higher of the fair market value or the sales price.
Cash exempted in bankruptcy	\$2,500 for one person, \$5,000 for a married couple
Notice to leave after house is sold	New owner must give former owner a seven-day notice to quit (leave) and then ask the court for possession. The court petition must be served on former owner five to 12 days before the court hearing on the petition.
Foreclosure statutes	N.Y. Real Prop. Acts. Law §§ 1301 to 1391

North Carolina

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust Property cannot be sold until the court clerk holds a hearing, reviews foreclosing party's paperwork, and certifies sale.
Time to respond	At least 45 days after sending notice to homeowner explaining how to contact HUD-approved housing counselor, foreclosing party must give homeowner notice of default 30 days before notice of hearing. Notice of hearing must be given 10 days before the hearing. If foreclosure is approved at the hearing, homeowner must be served with either a 20-day notice of sale (if served by posting and publication) or a 10-day notice of sale (if served by mail).
Reinstatement of loan before sale	No
Redemption after sale	Available within 10 days after the sale
Special protections for foreclosures involving high-cost mortgages	North Carolina High Cost Mortgage Act applies only to loans that are for less than \$300,000, secured by a personal residence, and qualify as a mortgage under HOEPA (see Ch. 7). Violations include lack of due diligence regarding borrower's ability to repay the loan and failure to secure a certificate of HUD-certified counseling before signing the loan. Liability is limited to original parties to the loan, and borrower can sue only for money; law can't be used to prevent foreclosure. N.C. Gen. Stat. § 24-1.1E
Special state protections for service members	None
Deficiency judgments	Not allowed in nonjudicial foreclosures
Cash exempted in bankruptcy	\$5,500 for one person, \$11,000 for a married couple
Notice to leave after house is sold	New owner must give former owner a 10-day notice to quit (leave) before going to court for a writ of possession and summary eviction.
Foreclosure statutes	N.C. Gen. Stat. §§ 45-21.1 to 45-21.33, 45-100 to 47-107

North Dakota

Topic	State Rule
Common type of foreclosure process	Judicial
Time to respond	Foreclosing party must serve homeowner with notice of intent to foreclose 30 to 90 days before filing the foreclosure complaint. Homeowner has 20 to 30 days to respond.
Reinstatement of loan before sale	Available within 30 days after homeowner is served with notice of intent to foreclose
Redemption after sale	Available within 60 days of foreclosure sale
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	None
Deficiency judgments	Not allowed
Cash exempted in bankruptcy	\$7,500 for one person, \$15,000 for a married couple
Notice to leave after house is sold	Former owner can stay in the house until redemption period ends; then the sheriff may immediately evict.
Foreclosure statutes	N.D. Cent. Code §§ 32-19-01 to 32-19-41

Ohio

Topic	State Rule
Common type of foreclosure process	Judicial
Time to respond	After foreclosing party files lawsuit, homeowner has 20 to 30 days to respond. After the court issues a foreclosure judgment, foreclosing party must serve a seven-day notice of sale on homeowner. At least three weeks before sale date, foreclosing party must publish notice of sale.
Reinstatement of loan before sale	None
Redemption after sale	Available until the court confirms the sale
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Ohio Rev. Code Ann. §§ 5919.29, 5923.12
Deficiency judgments	Allowed
Cash exempted in bankruptcy	\$400 for one person, \$800 for a married couple
Notice to leave after house is sold	No special provisions for evictions following foreclosure. The new owner will likely have to go to court to get an eviction order. Court-ordered evictions usually take two weeks to a month, depending on whether or not former owner responds to the lawsuit.
Foreclosure statutes	Ohio Rev. Code Ann. §§ 2323.07, 2329.26, 5721.38

Oklahoma

Topic	State Rule
Common type of foreclosure process	Judicial Nonjudicial: allowed, but homeowner can choose to have judicial foreclosure
Time to respond	Judicial: After foreclosing party files lawsuit, homeowner has 20 to 30 days to respond. After the court issues a foreclosure judgment, foreclosing party must serve a notice of sale on homeowner. If notice is mailed, it must be served at least ten days before the sale; if published, publication must start 30 days before the sale. Nonjudicial: Foreclosing party must give homeowner a 35-day notice of intent to foreclose and a 30-day notice of sale. Homeowner must also be notified of the right to choose judicial foreclosure.
Reinstatement of loan before sale	Nonjudicial: within 35 days of service of notice of intent to foreclose
Redemption after sale	Allowed until court confirms sale
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Okla. Stat. tit. 44, § 208.1
Deficiency judgments	Available, but amount limited by market value of property. Lender must ask the court for deficiency judgment within 90 days after sale.
Cash exempted in bankruptcy	None
Notice to leave after house is sold	Judge may order immediate possession by purchaser. Failure to move out may be punished as contempt of court.
Foreclosure statutes	Okla. Stat. tit. 12, §§ 686, 764 to 765, 773; Okla. Stat. tit. 46, §§ 41 to 49

Oregon

Topic	State Rule
Common type of foreclosure process	Nonjudicial Judicial foreclosure is allowed if foreclosing party chooses it
Time to respond	Nonjudicial: Foreclosing party must record a notice of default and serve it on homeowner by mail. Foreclosing party must also serve a notice of sale on homeowner 120 days before the sale. Judicial: After foreclosing party files lawsuit, homeowner has 20 to 30 days to respond.
Reinstatement of loan before sale	Up to five days before sale. The law limits the amount homeowner can be charged in costs and fees.
Redemption after sale	No
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Or. Rev. Stat. § 105.111
Deficiency judgments	Not available
Cash exempted in bankruptcy	\$7,500 for one person, \$15,000 for a married couple
Notice to leave after house is sold	New owner entitled to possession 10 days after the sale; after that former owner can be evicted without notice. Or. Rev. Stat. § 91.040
Foreclosure statutes	Or. Rev. Stat. §§ 86.735 to 86.795, 88.080-88.100

Pennsylvania

Topic	State Rule
Common type of foreclosure process	Judicial
Time to respond	Foreclosing party must serve 30-day notice of intention to foreclose on homeowner by certified mail. At the same time it must send a separate notice explaining homeowner's right to apply to Pennsylvania Housing Finance Agency for assistance. After foreclosing party files foreclosure lawsuit, homeowner has 20 to 30 days to respond. In Philadelphia Common Pleas court and Allegheny County Court, pilot programs mandate a delay between foreclosure judgment and sheriff's sale to allow for possible conciliation.
Reinstatement of loan before sale	Until one hour before the bidding at the foreclosure sale, but a maximum of three times in one year.
Redemption after sale	No
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Pa. Stat. Ann. tit. 51, § 4105
Deficiency judgments	Allowed if foreclosing party files separate lawsuit after sale
Cash exempted in bankruptcy	About \$11,000 for one person, \$22,000 for a married couple under federal bankruptcy exemptions
Notice to leave after house is sold	No special provisions for evictions following foreclosure. New owner will likely have to go to court to get an eviction order. Court-ordered evictions usually take two weeks to a month, depending on whether or not former owner responds to the lawsuit.
Foreclosure statutes	Pa. Stat. Ann. tit. 35, §§ 1680.402c to 1680.409c; Pa. Stat. Ann. tit. 41, §§ 403 to 404; Pa. R. Civ. P. 1141-1150

Rhode Island

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust
Time to respond	Foreclosing party must publish notice of sale for three consecutive weeks before sale; first publication must be at least 21 days before and the third publication must be at least 7 days before the original date of sale listed in the advertisement and no more than 14 days before the original date of sale listed in the advertisement. Foreclosing party must serve notice of sale on homeowner by mail at least 30 days before first publication.
Reinstatement of loan before sale	No
Redemption after sale	To redeem, former owner must file lawsuit. Allowed up to three years after sale.
Special protections for foreclosures involving high-cost mortgages	Homeowner can ask court to stop (enjoin) the foreclosure if loan is high-cost or predatory lending practices were used. Rhode Island Home Loan Protection Act, R.I. Gen. Laws §§ 35-25.2-1 to 35-25.2-11
Special state protections for service members	R.I. Gen. Laws § 30-7-10
Deficiency judgments	Allowed if foreclosing party files separate lawsuit after sale.
Cash exempted in bankruptcy	About \$11,000 for one person, \$22,000 for a married couple under federal bankruptcy exemptions
Notice to leave after house is sold	Former owner must get a 20-day notice to quit (leave). After that new owner may go to court for a summary eviction procedure that takes two weeks to a month.
Foreclosure statutes	R.I. Gen. Laws §§ 34-27-1 to 34-27-5

South Carolina

Topic	State Rule
Common type of foreclosure process	Judicial
Time to respond	After foreclosing party files lawsuit, homeowner has 20 to 30 days to respond. After court issues a foreclosure judgment, foreclosing party must publish notice of sale and also post it in three public places three weeks before the sale.
Reinstatement of loan before sale	No
Redemption after sale	No
Special protections for foreclosures involving high-cost mortgages	Some weak protections, but not likely to provide a defense against foreclosure. South Carolina High-Cost and Consumer Home Loans Act, S.C. Code Ann. §§ 37-23-10 to 37-23-85
Special state protections for service members	None
Deficiency judgments	Allowed as part of the foreclosure lawsuit
Cash exempted in bankruptcy	\$5,000 for one person, \$10,000 for a married couple
Notice to leave after house is sold	Former owner entitled to 10 days' notice of termination. S.C. Code Ann. §§ 27-37-10 to 27-37-160
Foreclosure statutes	S.C. Code Ann. §§ 15-39-610, 29-3-630 to 29-3-790

South Dakota

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust, but homeowner may choose judicial foreclosure
Time to respond	Before foreclosure, foreclosing party must publish notice once a week for four weeks and must serve homeowner with written notice (including statement telling homeowner of the right to insist on judicial foreclosure) 21 days before sale.
Reinstatement of loan before sale	Judicial: available until court enters foreclosure judgment. S.D. Cod. Laws Ann. § 21-47-8
Redemption after sale	Allowed for one year after the sale unless mortgage contains language identifying it as a short-term redemption mortgage, which provides six-month redemption period. S.D. Cod. Laws Ann. § 21-52-11
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	S.D. Cod. Laws Ann. § 33-17-15.1
Deficiency judgments	Allowed, but if mortgage holder buys property at foreclosure sale, amount of deficiency is limited to difference between house's actual market value at time of sale and amount still owing on mortgage.
Cash exempted in bankruptcy	\$4,000 for one person, \$6,000 for a married couple
Notice to leave after house is sold	After judicial foreclosure, judge may order possession given to buyer after redemption period expires. After redemption period ends, new owner must give former owner a three-day notice to quit (leave) and then file an eviction (forcible entry and detainer) lawsuit.
Foreclosure statutes	S.D. Cod. Laws Ann. §§ 21-48-1 to 21-48-26

Tennessee

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust
Time to respond	Foreclosing party must publish notice 20 days before sale or post notice 30 days before sale, and send notice to homeowner, by registered mail, before first publication.
Reinstatement of loan before sale	No
Redemption after sale	Judicial: allowed for up to two years after sale, unless redemption period is waived in mortgage
Special protections for foreclosures involving high-cost mortgages	Tennessee Home Loan Protection Act §§ 45-20-101 to 45-20-111
Special state protections for service members	Tenn. Code Ann. § 26-1-111
Deficiency judgments	Allowed
Cash exempted in bankruptcy	\$4,000 for one person, \$8,000 for a married couple
Notice to leave after house is sold	New owner may file forcible entry and detainer lawsuit, which involves serving a warrant on the occupant, trial within six days after service, and an immediate writ of possession ordering sheriff to evict occupant. Former owner may also be evicted through “ejectment” procedure, which takes longer.
Foreclosure statutes	Tenn. Code Ann. §§ 35-5-101 to 35-5-111, 66-8-101 to 66-8-102

Texas

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust
Time to respond	Foreclosing party must serve notice of default 20 days before serving notice of sale. Notice of sale must be served by mail on homeowner 21 days before sale. Foreclosing party must also post notice of sale on courthouse door (or wherever court commissioners determine is equivalent).
Reinstatement of loan before sale	Allowed within 20 days after service of notice of default
Redemption after sale	No
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Tex. Civ. Prac. & Rem. Code § 16.022
Deficiency judgments	Allowed if foreclosing party brings separate lawsuit within two years of sale. Amount may be determined by fair market value of the property, if homeowner requests it.
Cash exempted in bankruptcy	About \$11,000 for one person, \$22,000 for a married couple under federal bankruptcy exemptions
Notice to leave after house is sold	New owner must serve former owner with three-day notice to quit (leave) and then file eviction (forcible detainer) lawsuit. Tex. Prop. Code Ann. §§ 24.002 to 24.005
Foreclosure statute	Tex. Prop. Code Ann. § 51.002

Utah

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust
Time to respond	Foreclosing party must record notice of default at least three months before the sale and mail it to the homeowner within 10 days of recording. At least three months after the recording, the foreclosing party must publish a notice of sale three times; the last date of publication must be at least 10 days before the sale. The notice of sale must also be posted on the property at least 20 days before the sale.
Reinstatement of loan before sale	Available up to three months after notice of default is recorded. Utah Code Ann. § 57-1-31
Redemption after sale	None for nonjudicial foreclosures
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Utah Code Ann. §§ 39-7-101 to 39-7-119
Deficiency judgments	May be obtained in a separate lawsuit within three months after the sale; the amount is limited by the property's fair market value.
Cash exempted in bankruptcy	None
Notice to leave after house is sold	New owner must give former owner a five-day notice to quit (leave) and then file eviction (unlawful detainer) lawsuit. Utah Code Ann. § 78-36-3
Foreclosure statutes	Utah Code Ann. §§ 57-1-19, 78B-6-901

Vermont

Topic	State Rule
Common type of foreclosure process	Judicial (strict foreclosure) Nonjudicial foreclosure not available for owner-occupied one- or two-unit dwelling
Time to respond	Judicial: After foreclosing party files lawsuit, homeowner has 20 to 30 days to respond. When the court issues a foreclosure judgment, it may also transfer ownership to foreclosing party (strict foreclosure), if there is no equity in the house after costs of sale are subtracted.
Reinstatement of loan before sale	None
Redemption after sale	Judicial: allowed six months from date of foreclosure judgment unless judge orders a shorter time.
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Vt. Stat. Ann. tit. 12, § 553
Deficiency judgments	Must be requested in the foreclosure complaint. If the mortgage holder buys the property, the amount of the deficiency is limited by the property's fair market value.
Cash exempted in bankruptcy	About \$11,000 for one person, \$22,000 for a married couple under federal bankruptcy exemptions
Notice to leave after house is sold	After foreclosure judgment is issued and redemption period has ended, new owner must serve writ of possession on former owner; homeowner has 30 days to leave.
Foreclosure statutes	Vt. Stat. Ann. tit. 12, §§ 4526-4533a

Virginia

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust
Time to respond	Foreclosing party must serve notice of sale on homeowner by mail or publication. Homeowner has 14 days to respond if service is by mail. If foreclosing party uses publication, generally notice must be published in a local newspaper of general circulation once a week for four consecutive weeks unless deed of trust provides for a different interval. (Rules for publication, or “advertisement,” are complicated.) Sale can be held eight to 30 days after last publication.
Reinstatement of loan before sale	No
Redemption after sale	Not allowed in nonjudicial foreclosures
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Va. Code Ann. § 8.01-15.2
Deficiency judgments	May be obtained in a separate lawsuit after the sale
Cash exempted in bankruptcy	\$5,000 for one person, \$10,000 for a married couple
Notice to leave after house is sold	New owner does not have to give former owner notice before filing eviction lawsuit
Foreclosure statutes	Va. Code Ann. §§ 55-59 to 55-66.6

Washington

Topic	State Rule
Common types of foreclosure process	Nonjudicial: under power of sale in deed of trust Judicial: foreclosure required if property used primarily for agricultural purposes.
Time to respond	For mortgages written between January 1, 2003 and December 31, 2008, mortgage holder must personally contact homeowner at least 30 days before serving notice of default. A notice of default must be served on homeowner 30 days before notice of sale is served. The notice of default must be served by both first-class mail and by registered or certified mail, return receipt requested, and by either posting the notice on the premises in a prominent place or by personal service on homeowner. Foreclosing party must serve notice of sale in the same manner as the notice of default at least 90 days before sale date. No sale may occur within 190 days after the first default.
Reinstatement of loan before sale	Allowed up to 11 days before sale
Redemption after sale	No
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Wash. Rev. Code § 4.16.220
Deficiency judgments	Not allowed in nonjudicial foreclosures Judicial: may be obtained
Cash exempted in bankruptcy	About \$11,000 for one person, \$22,000 for a married couple under federal bankruptcy exemptions
Notice to leave after house is sold	New owner entitled to possession 20 days after purchase and may file eviction (unlawful detainer) lawsuit.
Foreclosure statutes	Wash. Rev. Code §§ 61.24.020 to 61.24.140

West Virginia

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust
Time to respond	Foreclosing party must give homeowner notice within a reasonable time before sale (no specific time is specified) by publishing notice and by sending it through registered mail.
Reinstatement of loan before sale	Available for 10 days after homeowner is served with notice of right to cure, which can be served five days after homeowner defaults. Not available if a notice of right to cure is served three or more times. W. Va. Code § 46A-2-106
Redemption after sale	No
Special protections for foreclosures involving high-cost mortgages	Some protections for a home equity line of credit. W. Va. Code § 38-1-14
Special state protections for service members	W. Va. Code § 11-21-61
Deficiency judgments	Allowed
Cash exempted in bankruptcy	\$25,000 for individual or married couple
Notice to leave after house is sold	No special provisions for evictions following foreclosure. New owner will likely have to go to court to get an eviction order. Court-ordered evictions usually take two weeks to a month, depending on whether or not former owner responds to the lawsuit.
Foreclosure statutes	W. Va. Code §§ 38-1-3 to 38-1-15

Wisconsin

Topic	State Rule
Common type of foreclosure process	Judicial
Time to respond	After foreclosing party files lawsuit, homeowner has 20 to 30 days to respond. If foreclosure is granted, court issues judgment and order of sale. Sale can't be held until one year after the judgment is entered, or six months after entry of judgment if the foreclosing party waives its right to a deficiency judgment.
Reinstatement of loan before sale	Available any time before judgment; homeowner may ask court's permission to continue with reinstatement after judgment.
Redemption after sale	No
Special protections for foreclosures involving high-cost mortgages	Wis. Stat §§ 428.202 to 428.211
Special state protections for service members	Wis. Stat. § 321.62
Deficiency judgments	Must be requested in the foreclosure complaint
Cash exempted in bankruptcy	About \$11,000 for one person, \$22,000 for a married couple under federal bankruptcy exemptions
Notice to leave after house is sold	Homeowner may remain in possession pending sale.
Foreclosure statutes	Wis. Stat. §§ 846.01 to 846.25

Wyoming

Topic	State Rule
Common type of foreclosure process	Nonjudicial: under power of sale in deed of trust
Time to respond	Nonjudicial: Foreclosing party must serve notice of intent to foreclose on homeowner 10 days before first publication of the notice of sale. Notice of sale must be published at least once a week for four weeks before sale and served on homeowner before date of first publication.
Reinstatement of loan before sale	No
Redemption after sale	Allowed for three months after sale
Special protections for foreclosures involving high-cost mortgages	None
Special state protections for service members	Wyo. Stat. Ann. §§ 19-11-101 to 19-11-124
Deficiency judgments	Allowed
Cash exempted in bankruptcy	None
Notice to leave after house is sold	No special provisions for evictions following foreclosure. New owner will likely have to go to court to get an eviction order. Court-ordered evictions usually take two weeks to a month, depending on whether or not former owner responds to the lawsuit.
Foreclosure statutes	Wyo. State Ann. §§ 34-4-101 to 34-4-113 (nonjudicial); §§ 1-18-101 to 1-18-114 (judicial)