

CODINGTON COUNTY SHERIFF'S OFFICE

Procedure for Mortgage Foreclosure Sales

The Codington County Sheriff is required by law to conduct foreclosure sales. The following information is provided to assist you in becoming familiar with such sales. *Please see the disclaimer at the bottom of this Procedure for important information.*

The person requesting the sale, usually the plaintiff in a foreclosure action that has obtained a judgment directing the sale, should contact the Sheriff's Office to set a time and date for the sale. Sales are normally conducted on Wednesday mornings, starting at 10:00 a.m., at the front door of the Codington County Courthouse.

The person requesting the sale should prepare a notice of sale and take it to the Sheriff's Office for signature or mail it with a self-addressed, postage-prepaid return envelope. (Note: The Sheriff's Office will not be responsible for filing the notice of sale with the Clerk of Courts.)

The person requesting the sale should publish the notice of sale pursuant to State statute in a legal newspaper of general circulation in each of the counties where the property is located.

Prior to the sale, interested parties may wish to research the title history of the property. The Sheriff's Office makes no guarantees about the quality of the title that buyers will receive, and the Sheriff's Office cannot give legal advice to private citizens.

On the date and time of the sale, the Sheriff will begin by reading the notice of sale and state that the following conditions apply to bidding:

- The buyer will take the property subject to all defects, liens and encumbrances. The Sheriff is not responsible for any misrepresentations or omissions as to the existence of any liens or other encumbrances on the property, or about the condition or value of the property.
- Payment will only be accepted in the form of cash, cashier's check or official bank check.
- The buyer must provide full payment by 3:00 p.m. the day of sale.
- The buyer must prepare a certificate of sale for the sheriff to sign upon receiving full payment.

The Sheriff will start the bidding with any mail-in bids or with an opening bid by the person requesting the sale. *NOTE: The Sheriff's Office is not responsible for mail-in bids that do not reach the person conducting the sale on time. Bidders mail in bids at their own risk.*

Upon completion of the bidding, the Sheriff will announce that the bidding is closed. If the successful bidder fails to bring a certificate of sale and full payment by 3:00 p.m. on the day of the sale, the person requesting the sale is required to initiate the sale process from the beginning at his or her own expense. *NOTE: The Sheriff's fees for sale must be paid for each sale*

conducted by the Sheriff. If a person requesting the sale is required to pay more than one fee, he or she will have to look to the defaulting buyer for recourse.

The Sheriff will sign a certificate of sale prepared by the buyer according to State statute.

The buyer generally must file the certificate of sale with the Register of Deeds of the county where the property is located within 20 days of the sale. The Sheriff's Office does not file documents with other offices.

The period of redemption commences on the date that the certificate is recorded.

Persons seeking to redeem from foreclosure sales must obtain payoff information from the buyer who purchased the property at the foreclosure sale. If time permits, the Sheriff's Office may contact the buyer for a person seeking to redeem in order to confirm a payoff amount, but the Sheriff is not responsible for obtaining the payoff amount. The Sheriff will not sign a certificate of redemption until the buyer has confirmed that the payoff amount is correct. Because of this, persons wishing to redeem might wish to contact the buyer from the foreclosure sale for payoff information well in advance of the end of the redemption period.

Unless the property has been redeemed, the Sheriff will sign a deed, prepared by the buyer, at any time on or after the redemption period has expired.

Disclosure Statement

Please note that this information is provided for the benefit of the public and is not offered as legal advice. Please refer to the published legal notice of sale in the newspaper for information regarding the property that is being sold. Any person needing legal advice will need to contact his or her own private attorney. The Sheriff is not responsible for any misrepresentation or omissions, intentional or otherwise, made by any person, including Sheriff's Office employees, as to the state of title, the existence or amounts of liens or encumbrances against the property, the value or condition of the property being sold, or the consequences of a bankruptcy proceeding that might affect the sale.