

## How Foreclosure Works

### What is foreclosure?

Foreclosure is the legal process your servicer must follow to end your ownership rights to your home if you have failed to make your mortgage payments. If you have failed to make your mortgage payments, and you have been unable to make other arrangements with your servicer, your servicer may file for foreclosure, usually in the common pleas court of the county where you live.

### What happens in a foreclosure?

Once the servicer files the foreclosure complaint in court, you will be served either by certified mail or personally by a deputy sheriff or process server. After you have been served, you have 28 days to file an answer. If you do not file an answer, a default judgment will be entered against you. This means the court will assume that you do not dispute the servicer's claims and will issue the order for the sale of your house. If you do file an answer disagreeing with the servicer's claims, the court may set further hearings, take evidence (written or oral), decide the claims, and issue orders.

If the court grants the foreclosure, an order of sale will go to the county sheriff. After receiving this order, the sheriff is required to have your property appraised. Following the appraisal, the sheriff will schedule a sale and then advertise the sale of your property in the local newspaper for at least three consecutive weeks. The sale is a public sale which is held either at a designated area in the courthouse or at the sheriff's office. Your property must sell for at least two-thirds of its appraised value. The sheriff will report the results of the sale to the court. The servicer will then ask the court to confirm the sale. This means the court will approve the sale, order a new deed for the buyer, and distribute the money from the sale.

Once the court confirms the sale, the buyer is entitled to possession. If you have not moved out of the house at this time, the buyer can ask the sheriff to evict you. The buyer does not have to notify you that he or she is asking the sheriff to remove you from the house.

Source: [Ohio State Legal Services Association](#)