



Kansas Foreclosure Timeline

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Foreclosure is when the lender takes back property when the homeowner fails to make payments on a mortgage. Foreclosure processes differ by state. Kansas has a Judicial foreclosure process, meaning it goes through a court where the borrower can raise defenses.	
First 30 days	30 days delinquent notice from mortgage servicer.
60-90 days	60 and/or 90 days delinquent notice from mortgage servicer.
120 days	Mortgage servicer sends file to legal for foreclosure process. File can be sent electronically or by other sources of mail. *Sometimes at 60-90 days delinquent, will depend on the mortgage servicer.
Within 10-20 days	After the attorney receives the file, it generally takes 10-20 days to institute foreclosure action.
	Attorney might (not required) send 30-day collection letter to request information but does not have to wait 30-days to foreclose. During this time the attorney gets the title.
	Borrowers (all parties) are named, includes second mortgages and any liens. Supposed to name everyone who could be involved or have a claim to the property. Might see a John or Jane Doe. If owner has passed away, children could be named.
Next 21-62 days	Attorney then places a publication in the newspaper for 3 weeks to catch any parties that may have a claim that are not known or on whom service cannot be attained. Answer date is 41 days from the first date of publication. State related child support attaches to the mortgage as well. Could be served personally, taped to the door, or sent certified mail.
	Newspaper placement services are generally used by attorneys. There is language in the law that gives specifications to what the publications must meet to be considered a qualified newspaper outlet to advertise these notices.
20 days from date of service	If personally served, the parties have 20 days from the date of service to file a response. If no response is filed, the note and the mortgage then merge and a default judgment may be entered after the answer time has expired. The default judgment must mirror the petition and additional items should not be added.
Within 10-30 days	After judgment has been entered, there is a 14-day stay of execution (wait). After the 14-day wait the attorney goes to the court to ask for a request to sell; then published for 3-weeks and then sale must be held no sooner than 7 days and no more than 14 days after the last publication. If no answer is filed, the attorney isn't required to notify you of the sale. If you file an answer the attorney is required to send you all follow up documents.
Day of Sale	Sheriff's sale occurs. At the sale the taxes are collected if they are delinquent, then the proceeds from the sale go to payment of the plaintiff's judgment and then to any inferior liens to the first mortgage.
Redemption period 3-12 months	3 months if less than 1/3 of the first mortgage indebtedness has been paid - 12 months if less than 1/3 of the first mortgage indebtedness is still due and owing. The period for mortgage balances in between is left up to the court to establish. The redemption period will be identified as a journal entry in the petition.
	If 2/3 of the home value is not secured by mortgages, then the redemption period is typically 12 months. As always, the court may expand or contract the redemption period when a party files a motion and persuades the court to do so.
	The borrower can redeem during the entire redemption period but the same is exclusively the right of the borrower for the first 60 days of a 90 day period and in the last 30 days any lien holder may redeem.
	During redemption period, the owner can do whatever they want with the property, could live there or could rent it to people without telling them about the foreclosure. However, the lender can terminate the stay of redemption period if illegal activities are happening there.
	If the property is being rented to someone, the notice of sheriff's sale should be sent to the tenant as well as the property owner. Paying and receiving rent has nothing to do with the foreclosure.
	The borrower can sell their redemption rights to others and quit claim the property to them or sell their redemption rights for cash.
After redemption period	At the expiration of the redemption period, a sheriff's deed will be issued to the holder of the certificate or purchase issued to the purchases at the sheriff's sale.
	Upon the expiration of the redemption period a writ of assistance may be issued by the court to remove anyone from the property and deliver the same to the purchaser at the sale. Once writ of assistance is issued and served, the house must be vacated.
	Deficiency judgments are possible, also possible tax implications involved.