

Foreclosure rules in the United States by state

This site has foreclosure process listings for ten US states. Each state runs its process through the courts or through a trustee. The rules vary in notice periods, sale venues and redemption rights.

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Foreclosure is a state law process. How it runs depends on where the property is. This site has a process listing for ten states. Each listing names the process type, the notice steps and the redemption rule, with the official source. This guide is a summary, not legal advice. Rules change, so read the source named on each listing.

Non-judicial states let a trustee sell without a court case. The process runs on a statutory notice timeline.

In **California** the trustee records a notice of default and a notice of sale, then sells at public auction. There is no right of redemption after a non-judicial trustee's sale.

In **Texas** a trustee sells at the county-designated area on the first Tuesday of the month, after notice under the Texas Property Code. There is no redemption after a trustee's sale of a home mortgage. Delinquent-tax sales have a redemption period.

In **Georgia** the lender sends notice at least 30 days before the sale and advertises for four consecutive weeks in the legal newspaper. The sale is on the courthouse steps on the first Tuesday. There is no redemption.

In **Arizona** the trustee records a notice of trustee's sale and gives notice at least 90 days before the sale. There is no redemption after a trustee's sale.

In **Washington** the notice of sale is recorded at least 90 days before the sale, or 120 days when the extra pre-foreclosure letter applies. Homeowners may ask for mediation. There is no redemption after a non-judicial sale.

In **Colorado** the lender files with the county public trustee, who sets and conducts the sale. An owner may not redeem after the sale. Only lienholders may redeem.

Judicial states require the lender to file a lawsuit. A court must enter a judgment before the sale.

In **New York** the lender sends a 90-day notice and then sues in state supreme court. Eligible homeowners get a mandatory settlement conference. The state has no statutory right of redemption after the sale.

In **Florida** the lender files a complaint and the homeowner has 20 days to answer. After judgment the clerk sells the property, in most counties at an online auction. The borrower may redeem until the clerk files the certificate of sale, unless the court order or notice of sale sets a later time (Fla. Stat. sec. 45.0315).

In **Illinois** every foreclosure is a court case, and the sale needs court approval. The redemption

period is generally the later of seven months after service or three months after judgment.

In **Ohio** the lender files a complaint and the owner has 28 days to answer. The sheriff appraises, advertises and sells the property. The owner may pay the judgment and redeem until the court confirms the sale.

Before you act. The foreclosure timeline tool on this site shows the process for these ten states. Its notice date is a floor, not a deadline you can rely on. Beware of foreclosure rescue scams. Never pay an upfront fee for help to save your home, and never sign your deed over to a stranger. A HUD-approved counselor or a foreclosure lawyer can explain the rules for your case.

Frequently asked questions

Why does this site cover only some states?

Ten states have a process listing now. The site adds states and counties as source pages are checked and listings are written. If your state is not here yet, the timeline tool shows that the process varies by state and gives no notice period. Ask a HUD-approved counselor or a lawyer for your state's rules.

What is the difference between judicial and non-judicial foreclosure?

In a judicial state the lender files a lawsuit and the court must enter a judgment before the property can be sold. In a non-judicial state a trustee sells the property under the deed of trust according to the statutory notice. Six of the ten states here are non-judicial. The other four are judicial.

Does every state allow redemption after the sale?

No. The ten state sources differ. California, Texas, Georgia, Arizona and Washington give no redemption after a non-judicial trustee's sale. In Colorado only lienholders may redeem. New York has no statutory right of redemption after the sale. Florida allows redemption until the clerk files the certificate of sale, unless the court order or notice of sale sets a later time. Ohio allows it until the court confirms the sale. Illinois sets a longer period: generally the later of seven months after service or three months after judgment.

Sources

[California Courts Self-Help: Foreclosure](https://www.courts.ca.gov/selfhelp-foreclosure.htm) — <https://www.courts.ca.gov/selfhelp-foreclosure.htm>

[Texas State Law Library foreclosure guide](https://guides.sll.texas.gov/foreclosure) — <https://guides.sll.texas.gov/foreclosure>

[New York Courts CourtHelp: Foreclosures](https://www.nycourts.gov/courthelp/homes/foreclosures.shtml) — <https://www.nycourts.gov/courthelp/homes/foreclosures.shtml>

[Florida Statutes chapter 45](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0045/0045ContentsIndex.html) — http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0045/0045ContentsIndex.html

[Georgia Attorney General: Mortgage and Foreclosure Information](https://law.georgia.gov/resources/mortgage-and-foreclosure-information) — <https://law.georgia.gov/resources/mortgage-and-foreclosure-information>

[Arizona Revised Statutes 33-808](https://www.azleg.gov/ars/33/00808.htm) — <https://www.azleg.gov/ars/33/00808.htm>

[Revised Code of Washington chapter 61.24](https://apps.leg.wa.gov/rcw/default.aspx?cite=61.24) — <https://apps.leg.wa.gov/rcw/default.aspx?cite=61.24>

[Illinois Compiled Statutes 735 ILCS 5](https://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=073500050K15-1501) — <https://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=073500050K15-1501>

[Ohio Legal Help](https://www.ohiolegalhelp.org/topic/foreclosure) — <https://www.ohiolegalhelp.org/topic/foreclosure>

[Colorado Revised Statutes Title 38](https://leg.colorado.gov/agencies/office-legislative-legal-services/colorado-revised-statutes) — <https://leg.colorado.gov/agencies/office-legislative-legal-services/colorado-revised-statutes>

This guide is about United States.