



Foreclosure Timeline for Wisconsin Homes

In Wisconsin, all foreclosure actions have to go through formal court proceedings. This timeline will give you a general idea of how long the foreclosure process will take in the Circuit Court. Each court case is different, so you should contact a lawyer for more specific advice.

Start of Legal Action:

A foreclosure action is started by filing a Summons and Complaint in the county in which the real estate is located. You will be personally served with those documents by the County Sheriff's Department or a private process server.

You have 20 days to answer the complaint from the date you are served with it. You can dispute any of the information in the complaint.

Before a judgment is entered, you have the right to pay all amounts past due plus attorney's fees and costs, and the court case may then be dismissed. Your lender may be willing to work out a loan modification with you or a payment plan so keep trying to contact it or its attorneys to negotiate a deal.

Judgment:

After the time to file an answer has passed, the lender will be able to move for a default judgment if you do not answer. You may not receive any court notice of a default judgment, depending on your local court rules. If you do answer, a hearing will be scheduled and the court will decide if the lender should receive a judgment based on all the evidence given.

The redemption period (generally either 6 or 12 months) starts with the entry of judgment. The redemption period is the minimum amount of time you have in the home before the house is sold by auction in a sheriff's sale. The lender will specify in the complaint which redemption period will apply to your situation. The period is usually 6 months if the lender agrees to waive its right to a deficiency judgment, which is the right to sue you for the difference between the sale price of the house and the amount you owe on the loan. This means that the lender will not make you pay anything, but it will take

your house. If the lender does not waive the right to a deficiency judgment, the redemption period is usually 12 months. Be aware that if you abandon the house, the redemption period can be shortened to 5 weeks and the lender can ask for a deficiency judgment.

During the redemption period, you may refinance or sell the property in order to pay off the amount owed to the lender. If the lender agrees, you may sell the property for less than the amount owed to the lender in a 'short sale.' Ask a tax professional about tax consequences of a short sale.

Sheriff's Sale:

Notice of the sheriff's sale will be published in the newspaper for three weeks prior to the sale and posted in various locations in the county. You will not personally receive a notice, but you can check the sheriff's website or call its office for the date. The sale can be held any time after the end of the redemption period. The sale is open to the public.

Confirmation of Sale:

A court hearing is scheduled after the sheriff's sale to confirm (approve) the sale. Generally, you receive at least 5 days notice of the hearing. If you did not ever appear in court or file an answer, you may not receive a notice, so you should check in with the local clerk of court to find out what hearings are being scheduled in your case.

If the sale is approved, the court usually will order your removal from the property by the sheriff if you do not voluntarily move. You can live in the home during the foreclosure process, but you should try to arrange a moving date with the lender for a date around the confirmation of sale hearing date.

Overall Timeframe:

Starting from the time the legal action is commenced, it may take 7 to 18 months for the foreclosure action to end, depending on the redemption period and court and attorney calendars.

For assistance with negotiating with your lender, contact the following agencies:

- **Wisconsin Foreclosure Resource:** see its website for a list of counselors, lenders, and lawyers in your area - www.wisconsinforeclosureresource.com
- **Dane County Foreclosure Prevention Taskforce:** see this coalition's website for a list of housing counselors and lawyers in Dane County and programs, such as an answer clinic, homeowners' workshop and support group - <http://daneforeclosurehelp.org>
- **NeighborWorks:** see its website for a list of HUD-approved counselors in your area - www.nw.org

- Homeowner's HOPE Hotline: call for assistance negotiating a workout with your lender - 888-995-HOPE (4673) or www.995hope.org

If you are low-income and looking for legal advice on foreclosures in Wisconsin, Legal Action of Wisconsin, Inc. (www.legalaction.org) may be able to assist you. You can also obtain the name of a lawyer who practices foreclosure law from the State Bar Lawyer Referral and Information Service at (800) 362-9082.

Remember: The law often changes. Each case is different. This pamphlet is meant to give you general information and not to give you specific legal advice.

The above is intended to provide general information only and is not a substitute for thorough and specific advice on an individual case. Depending on the complexity of your legal problem, you may need to consult an attorney for advice or representation.

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