

GENERAL INFORMATION on MORTGAGE FORECLOSURE SALES

The following is intended to provide some general information regarding mortgage foreclosure sales and information on how such foreclosure sales will be conducted by the St. Clair County Sheriff's Office. Anyone wishing to participate in a mortgage foreclosure sale should seek information regarding the statutes and case law regarding these matters from their own personal attorney. This document is not intended to nor should it be relied upon by any individual as a full explanation and enumeration of one's legal rights, responsibilities, duties or obligations. PLEASE CONSULT YOUR OWN ATTORNEY.

General Information

Foreclosure sales are scheduled by the lender/lender's attorney, not the Sheriff's Department. Foreclosure sales are scheduled for 1:00 p.m. every Thursday inside the St. Clair County Court Building, 201 McMorran Blvd., Port Huron, each Thursday the Court is open.

In the State of Michigan, foreclosures by advertisement must be published in a newspaper in the County where the foreclosed property is located. Notices are published for a minimum of four weeks with the last publication frequently being, but not required to be, the week prior to the scheduled sale date. Legal notices are sometimes canceled by the lender/lender's attorney during the publication period and sometimes sales are canceled between the time of the last publication and the actual sale date.

Bidders should also be aware that sales are sometimes adjourned from the original sale date as published. These adjournments are posted in west hall of the Court Building. Adjournments can be made for a maximum of one week at a time; however, some sales are adjourned on a week-to-week basis. It is the responsibility of an interested bidder to check to see that any particular property he/she is interested in is still scheduled for sale on a particular day. Bidders may check at the sale area to see if the certain property is listed for sale on that day, or if the sale has been canceled or adjourned.

Payments

There are no payment arrangements for the foreclosure sales. THE TOTAL AMOUNT OF EACH SUCCESSFUL BID MUST BE PAID FOR BY A CERTIFIED OR CASHIERS CHECK. Bidders should have certified checks made payable to the financial institution holding the mortgage. The check is due at the conclusion of the sale, which is 2:00 p.m. each Thursday.

Bids

In most cases, the minimum bid for each property is higher than the amount listed in the legal notice. The debt listed in the legal notice is the amount that is due as of the date of the notice. Interest and various other costs are added to that amount to form the minimum bid on the sale date. Bidders will be required to show their check for the minimum bid amount at the time a bid is placed. Please have checks ready for viewing.

Legal Advice

There are many ramifications involved when dealing with mortgage foreclosure sales. Each bidder is strongly advised to obtain legal advice about his/her rights and responsibilities from an attorney who is familiar with real estate law, and in particular, with mortgage foreclosures. A very thorough search of the title of the property you are interested in should be made. Staff and members of the St. Clair County Sheriff's Office, Civil Division and Writs, Inc. are not attorneys and cannot and will not provide legal advice. Any questions about redemption rights, liens or any other information regarding the legal aspect of the foreclosure sale should be obtained from a trained professional. Most bidders are investing a great deal of money on the foreclosed property, and it is reasonable and prudent for anyone investing such monies to obtain competent advice.

Completion of Sale

Once the sale is completed, Sheriff's Deeds are issued and recorded with the St. Clair County Register of Deeds. These documents are a matter of public record and anyone seeking information about a recorded Sheriff's Deed can do so at the Register of Deeds, 1st Floor, St. Clair County Administration Building, located at 200 Grand River Avenue, Port Huron. Redemption of foreclosed properties are handled through the attorney handling the foreclosure for the bank

If you are the winning third party bidder, it is your responsibility to register the deed with the St. Clair County Register of Deeds. It is your responsibility to have the deed modified with the information necessary to file the deed. The St. Clair County Sheriff's Office will not be able to assist the winning bidder in the registering of the deed. You will need to contact a title company or an attorney to assist you.

The Sheriff's deed will be signed and notarized at the Sheriff's Office after you have made the appropriate changes.