

## A Typical Mortgage Foreclosure Lawsuit Timeline\*\*

This timeline can play out in less than 180 days! Do Not Wait!  
Act Now to Save Your Home!

Homeowner did not make monthly mortgage payments.  
STOP THE FORECLOSURE.  
CALL YOUR MORTGAGE COMPANY OR CONTACT A LOCAL COUNSELING AGENCY.

*After 90 days* Mortgage Company can file a mortgage foreclosure lawsuit in court.  
STOP THE FORECLOSURE.  
CALL YOUR MORTGAGE COMPANY OR CONTACT A LOCAL COUNSELING AGENCY.

*28 days* You receive the Court Summons of the mortgage foreclosure lawsuit. You have 28 days from the date of service of the Court Complaint to file Answer (or Leave to Plead) with the court. Information on how to file an answer is available on the Tuscarawas County Web ([www.co.tuscarawas.oh.us](http://www.co.tuscarawas.oh.us)) site under legal forms. READ THE "COURT SUMMONS" THAT CAME WITH THE LAWSUIT FOR WHAT YOU ARE REQUIRED TO DO. FOR LEGAL ADVICE, YOU SHOULD CONSULT WITH AN ATTORNEY. IF YOU DO NOT HAVE AN ATTORNEY, YOU CAN OBTAIN A REFERRAL THROUGH *SOUTHEAST OHIO LEGAL SERVICES AT 330-339-3998 OR 1-800-686-3670*. You may also contact the Tuscarawas County Bar Association by visiting their web site at [www.tusbar.com](http://www.tusbar.com)

*After the 28 days* If an Answer or other reply is not filed by the 28-day deadline, then the Mortgage Company can get a Default Judgment for foreclosure against you. The Mortgage Company can then ask the court for an order to sell the property at a Sheriff's Sale.

*During the next 3 months* If the court orders a Judgment for Foreclosure, then the property is appraised in order to determine its value for the Sheriff Sale. Formal written notice of date of sale and the appraised value will be published in the Legal News. Sheriff will post a notice of the sale date on the property. Sale notice information is also online at <http://198.30.119.7/sheriffsales.html> or click on the link to the sheriff department off the county's web site at [www.co.tuscarawas.oh.us](http://www.co.tuscarawas.oh.us).

AFTER A COURT ORDERS FORECLOSURE, YOU HAVE ONE LAST CHANCE TO KEEP THE PROPERTY. HOWEVER, YOU MUST PAY OFF THE MORTGAGE (NOT JUST WHAT YOU OWE ON IT) AS WELL AS PAY ALL COSTS AND FEES FROM BOTH THE FAILURE TO PAY THE MORTGAGE AND ALL COSTS AND FEES RELATED TO THE LAWSUIT. YOU MUST PAY THIS AMOUNT NO LATER THAN AFTER THE SHERIFF SALE, AND BEFORE THE COURT "CONFIRMS" THE SALE. (SEE BELOW).

*Day of Sale* Sheriff Sales takes place at the Sheriff's Department located at 2295 Reiser Ave., SW, New Philadelphia.

*Next 2 weeks* Mortgage Company asks the Court to "Confirm" the Sheriff Sale. If the Court determines that the Sale was done in a proper manner, then the Court will "Confirm" the Sale. The Court will order a Sheriff's Deed to the new owner.

*2-4 weeks* Within 14 days after the Confirmation of Sale, the Sheriff's Deed is issued to the new owner. The new owner can request from the Court a writ of possession to have you removed.

Unless the Mortgage Company or new owner agrees to give you more time, the Sheriff will generally give you 10-14 days to move out of the property. In rare cases, this may be extended up to 30 days for hardship. **REMEMBER THAT ONLY THE SHERIFF HAS THE RIGHT TO FORCE YOU TO MOVE OUT OF YOUR HOME, AND THIS OCCURS AFTER ALL OF THE ABOVE ACTIONS HAVE TAKEN PLACE.**

**\*\*The information above is provided as a public service and should not be considered as legal advice. You will need to contact an attorney for legal advice.**