



State of Kansas Foreclosure Timeline

First 30 days

30 days delinquent - notice from mortgage servicer.

60-90 days

60 and/or 90 days delinquent - notice from mortgage servicer.

Mortgage servicer sends file to legal for foreclosure process. File can be sent electronically or by other sources of mail. (60 or 90 days delinquency 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 sends 30-day collection letter to request information but does not have to wait 30 days to foreclose.

Next 21-62 days

Attorney then places 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 interests, including child support, can attach to the mortgage as well.

20 days from date of service

If served personally, the parties have 20 days from the date of service to file a response.

If no answer is filed, a default judgment may be entered after the answer time has expired.

Within 10-30 days

After/if judgment has been entered, there is a 10 day period before execution and sale. The notice of sale must be published for 3 consecutive weeks and the sheriff's sale must be held between 7-14 days after the last day of publication.

Day of sale

Sheriff's sale occurs. At the sale, taxes are collected if they are delinquent, then the proceeds from the sale go to payment of the judgment.

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. This redemption period will be identified as a journal entry in the petition. The court may set a different redemption period depending on the value of the home versus the amount of the liens.

- During redemption period, the owner can do whatever they want with the property, including stay living at the property or rent it to third parties. 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/or quit claim the property 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.