

# What happens during the *Foreclosure Process* in St. Johns County Florida?



**St. Johns Housing Partnership**

525 W King St, St Augustine, FL 32084

Call: 904 819 1266

# 1) *A Notice of Default* is filed by the bank – usually after 3 missed mortgage payments.

You can dispute the validity of the debt and/or the default. This must be done in writing.

In Florida, you also have the right to reinstate your mortgage by paying all the outstanding debt.



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## 2) The bank's attorney files a *'Lis Pendens'* (Lawsuit Pending) at the County Court.

This usually after 4 to 6 missed mortgage payments.

The public is now aware of the foreclosure.



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**3) A *Process Server* (usually a County Sheriff) will deliver a copy of the complaint against you, along with the '*Lis Pendens*' and the *Summons*.**

You have 20 days from receipt of your *Summons* to file an *Answer* with the Court if you choose to do so.

It is not advisable to attempt to file an *Answer* without the assistance of an HUD-approved counselor or attorney.



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## 4) If you file an *Answer* within the 20-day deadline a *Preliminary Hearing Date* will be set.

At the hearing, the lender's attorney will be present and you can tell the judge the reason for your Default.

If you have a valid Answer, the judge may require the lender to give you a reasonable amount of time to work things out.

If you simply haven't made your payments, however, the judge will rule in favor of the lender and the foreclosure will go forward.



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**5) If you do not file an *Answer* within the 20-day deadline, a *Summary Judgment Request* may be filed against you.**

This forfeits your right to contest (argue) the foreclosure.



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## 6) The Judge has a *Summary Judgment Hearing* to review the files.

A *Summary Judgment* will be issued within the next 45 days if you haven't presented any evidence.



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## 7) After a *Final Summary Judgment* is entered the Judge will set a *Foreclosure Sale Date*.

This is usually 30-45 days after the entry of the *Judgment*.

Then the property will be sold to a buyer or back to the bank on the Courthouse steps.

This date is sometimes extended due to legal holidays or by agreement of your lender.



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8) After the property is sold, a *Certificate of Title* is recorded and delivered to the new owner within approximately 10 days.



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9) Once the sale is final, you will be served an *Eviction Notice* by the bank and will have about 30 days to leave.



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**10) Finally, a Judge will hear the  
*Eviction Case*, but usually the new  
owner wins.**

If you attend the hearings, you might be given up to 90 days more to stay in the property.



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**In St. Johns County Florida, the average *Foreclosure Process* takes between 6 to 8 months. But, you can avoid or stop foreclosure if you get the right help from a HUD-approved Housing Counseling Agency.**

**Contact **St. Johns Housing Partnership** today to discover how you can:**

- Stop foreclosure and keep your home.
- Get FREE foreclosure prevention and credit counseling services.
- Lower your mortgage payments and minimize the amount of upfront money.
- Receive free legal services and support from St Johns County Legal Aid.
- And more.

**Remember the faster you act, the more chance you have of keeping your home.**

**Call 904 819 1266 to get FREE Foreclosure Counseling  
and Loan Modification today.**



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