

Mortgage Foreclosures

Mortgage foreclosures are legal actions taken in relation to real estate. Information about Minnesota Laws regarding foreclosure can be researched at the following web site <https://www.revisor.leg.state.mn.us/pubs/> and at the listed chapters:

- Minnesota Statutes, Chapter 580, Mortgages, Foreclosure by Advertisement
- Minnesota Statutes, Chapter 581, Mortgages; Foreclosure by Action
- Minnesota Statutes, Chapter 582, Mortgages, Foreclosure, General Provisions

The information provided here is informational only and you should never rely on this information as legal advice to you. If you are unsure of how to proceed, you should protect yourself by consulting an attorney about what you should do in your individual situation. The Sheriff's Office cannot give you legal advice nor can it recommend any specific attorney or law firm.

The Pope County Sheriff's Office **does not** provide a list of upcoming sales. The attorney for the mortgage company must publish a Notice of Foreclosure Sale in a qualified newspaper as defined in Minnesota Statute 331A.01. The attorney for the mortgage company places the sale in the newspaper. Since attorneys often do not involve the Sheriff's Office until the day of the sale, information may not be available if you call.

Any questions regarding a sale or arrangements to reinstate a mortgage should be directed to the attorney preparing the sale. Their telephone number is usually published with the Notice of Sale.

The Sheriff's Office serves as the auctioneer at the sale.

A foreclosure sale may be postponed or cancelled prior to the sale date and time by the attorney for the mortgage company.

Office Address:

Pope County Sheriff's Office
Civil Process
Pope County Courthouse
130 East Minnesota Avenue
Glenwood, MN 56334

Contact Information:

Telephone: 320-634-5411
Fax: 320-634-5457

Normal Business Hours:

Monday – Friday (7:00 a.m. 4:00 p.m.)
Closed Saturday, Sunday and major holidays

Sales Procedure

- The Sheriff or his designee conducts mortgage foreclosure sales in an open bidding process. Sales are conducted weekdays, with the majority of sales being held on Tuesdays, at 10:00 a.m. and 11:00 a.m. at 130 East Minnesota Avenue, Glenwood, MN 56334.
- The attorney or representative for the mortgage company will open the bid with the exact amount due at the time of the sale.
- The property will be sold to the highest bidder.
- A successful bidder must have cash or certified funds (payable to the Pope County Sheriff's Office) available at the time of the sale.
- The successful bidder will receive a Sheriff's Certificate of Sale that lists the name of the successful bidder and the amount of the purchase. The Certificate of Sale is prepared by the attorney.

Redemption of Mortgage Foreclosed Property

- All mortgage foreclosure sales are subject to redemption by the mortgagor. The length of the redemption period is identified on the Notice of Sale.
- A mortgagor may redeem from either the Pope County Sheriff's Office or from the purchaser at the sale.
- If redemption is made through the Pope County Sheriff's Office an advance fee of \$250 must be paid. Law firm and title company checks are accepted. All others must pay with cash or certified funds. The following information must be submitted along with the fees:
 - Name of Mortgagor
 - Name of the party redeeming, if not the mortgagor
 - Date of sale
 - Date of redemption
 - Address of property
 - Name of person to contact with the redemption figures along with telephone and fax numbers

Redemption by Mortgagor (Recorded Fee Owner)

If a mortgagor wishes to redeem through the Sheriff's Office, it is imperative that the mortgagor contact the Pope County Sheriff's Office at 320-634-5411 with as much advance notice as possible prior to the anticipated redemption to confirm the mortgagor's intent to redeem and to obtain updated pay off information. This additional time is required to research the recorded documents and preparation of the certificate.

- The amount of redemption payment is determined by the following:
- Amount bid at the foreclosure sale
- Interest accruing from the date of the sale to the date of redemption (calculated at the rate of interest in the mortgage).
- Additional amounts paid by the purchaser at the foreclosure sale (these amounts may include insurance, taxes, assessments, etc.). The purchaser must present an affidavit of additional amount of redemption to the Sheriff and record it with the County

Recorder/Registrar of Titles within the listed redemption period in order to collect those amounts as part of the redemption.

- Upon receipt of payment, the Pope County Sheriff's Office will issue a Certificate of Redemption.

Redemption by Other Parties:

- If the mortgagor does not redeem during the redemption period, persons other than the mortgagor may redeem.
- All redemption documents must be filed with the Sheriff's Office as soon as they have been filed with the recorder, including recorded copies of the underlying lien and Notice of Intent to Redeem. For each Notice of Intent to Redeem there is a \$100 filing fee.
- The fees for redemption must be paid before a Certificate of Redemption is issued.