

Kansas Legal Services

A non-profit law firm and community education organization helping low and moderate income people in Kansas



www.kansaslegalservices.org

Foreclosure Prevention - KLS can Help

Mortgage help



First things first: There is free foreclosure help. If anyone tries to charge you in advance for help or guarantees that they can stop your foreclosure, they're not legitimate. If you're behind on your mortgage, or having a hard time making payments, we want to help.

Apply for assistance from **Kansas Legal Services online** or call our application line **1-800-723-6953** if you are being threatened with foreclosure and need advice or representation.

Typically, once you fall four months behind on your mortgage payments, the foreclosure process may begin (although the process can begin earlier or later). In Kansas, the foreclosure process

may proceed as: judicial sale, which requires that the process go through court.

Public notice must be given and require all parties to be notified regarding the proceedings. Be sure to read your mail carefully and act promptly on notices you receive.

Foreclosure checklist

Take control to avoid foreclosure

If you're worried you may fall behind on your mortgage or you are already behind, you can take action.

The sooner you do it, the better. Here are some steps to help you and your family find out if you have options to avoid foreclosure.

- **Step 1: Take control.** Make or take the call. The rules set standards that require mortgage servicers to try to help you. Your mortgage loan servicer generally has to try to talk to you about the options to avoid foreclosure. You can take control by taking calls from your servicer or, even better, calling your mortgage servicer and asking them to tell you about your options to avoid foreclosure.
- **Step 2: Go pro.** If you had a fire in your house, you'd call a professional firefighter. The same goes for a housing emergency. You can find expert advice you can trust by contacting Kansas Legal Services. There is no cost to you.
- **Step 3: Slam the scam.** Scam artists are trying to take advantage of homeowners who get into trouble by charging them thousands of dollars for false promises of help. Remember, the help you need is available at no cost to you from Kansas Legal Services.
- **Step 4: Get it done.** If you submit a complete application early enough, your mortgage servicer is required under the new rules to evaluate you for all the options available to you that might allow you to keep your home or leave your home if you prefer that option. For example, lenders may offer programs to reduce monthly payments or lower a borrower's interest rate. But the mortgage servicer isn't required to evaluate you if you don't complete your application. If you finish your application for help, you also are protected from foreclosure while it is evaluated. Get it done, and don't delay. The earlier you complete the application, the more protections you will get.
- **Step 5: Stand up for your rights.** The U.S. Consumer Financial Protection Bureau (CFPB) accepts complaints about mortgages, so if you have a problem, you can submit a complaint to the CFPB. The CFPB will forward your complaint to the company and work to get you a response from them. Submit a complaint at consumerfinance.gov/complaint or by calling (855) 411-2372 TTY/TDD (855) 729-2372.

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Quick Facts about Foreclosures in Kansas

- Judicial Foreclosure Available: **Yes**
- Non-Judicial Foreclosure Available: **No**
- Primary Security Instruments: **Mortgage**
- Timeline: **Typically 120 days**
- Right of Redemption: **Yes**
- Deficiency Judgments Allowed: **Yes**

In Kansas, lenders may foreclose on a mortgage in default by using the judicial foreclosure process.

Judicial Foreclosure

The judicial process of foreclosure, which involves filing a lawsuit to obtain a court order to foreclose, is used when no power of sale is present in the mortgage or deed of trust. Generally, after the court declares a foreclosure, the property will be auctioned off to the highest bidder.

The notice of the time and sale must be advertised once a week for three (3) consecutive weeks, with the last publication being no more than fourteen (14) and no less than seven (7) days before the scheduled date of sale. Notice of the sale must also be sent to the borrower within five (5) days of the first advertisement

Unless otherwise ordered by the court, the sale is typically held at the courthouse of the county in which the property resides. The sale is by public auction to the highest bidder, who will receive a certificate of purchase.

After the sale is confirmed, the winning bidder will be entitled to receive a sheriff's deed, which will vest good and perfect title to the foreclosure bidder, once the borrower's right of redemption has expired.

The borrower typically has twelve (12) months from the date of the foreclosure sale to redeem the property.

Lenders may sue to obtain a deficiency judgment for the difference between the foreclosure sale price and the amount due on the original mortgage.

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<http://www.kansaslegalservices.org/node/2130/foreclosure-prevention-cls-can-help>

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