

## **FAQs and Links for Defendants in Foreclosure Actions**

**Q: How can I find out if a foreclosure action has been filed with the court?**

**A:** You can go to the Public Judicial Index Search for [Pickens County](#) and search for cases. When you first access the Judicial Index Search, select the Circuit Court option. This will bring you to a search page where you will enter the name of the party you are searching for. The search will bring up any Circuit Court cases filed under this name and will give you some additional information, including the case number and the law firm representing the plaintiff.

**Q: *Do I need to appear at the foreclosure judgment hearing scheduled for my case?***

**A:** You have a right to be present at any hearing pertaining to the action filed against you. If you have not previously filed an answer with the court you are not required to appear, however, it may be a good idea to appear if any of the following apply:

\*You are working on some type of modification plan with your lender.

\*You have questions about your eligibility for the HMP program.

\*You have any questions about the foreclosure and sale process.

This is your opportunity to follow up on any modification plans you are being considered for and speak with the Judge and the lender's attorney about timelines and procedures.

**Q: *What does it mean if a Deficiency Judgment is demanded against me?***

**A:** This means the Plaintiff is not only foreclosing its mortgage but is also seeking a personal monetary judgment against you for the difference in what your property brings at sale and the amount of the judgment granted against you in this action. The bidding on your property will remain open for (30) days after the original sales date. On that 30th day, the property is offered for sale again and the highest bid is accepted. If there are no upset bids at the second sale, then the property goes to the high bidder from the original sale and a subsequent deficiency judgment for the above-mentioned difference will be issued against you.

**Q: *If I am unable to avoid a foreclosure judgment and subsequent sale, how long do I have to vacate the property?***

**A:** Until the purchaser at the foreclosure sale receives a deed from the Court, you remain the owner of the house. That purchaser, which may or may not be the Plaintiff in the foreclosure action, will advise you when a deed has been received. At that point, the purchaser is entitled to possession, and you must give up possession of the house. Depending upon the situation, this can take from 5 days to 45 days after the completion of the sale.