

MCHENRY COUNTY SHERIFF'S DEPARTMENT

PROCEDURE ON MORTGAGE FORECLOSURE SALES

Preliminary:

1. Call Sheriff's office for Sale Date, all Foreclosure Sales are held in Room 262 on Thursday at 10:00 A.M. Sheriff's Sale forms can be found on our web site. MchenrySheriff.org Direct line to Civil Process is 815/334-4720
2. Send **CERTIFIED COPY OF JUDGMENT** To Sheriff, we will then assign a Sheriff's number and open a Sale File. **Certified copy must be sent to the Sheriff before publication starts.**

At Time of Sale:

1. Present Original Certificate of Publication to Sheriff.
2. Present all the documents required, and copies please.
 - a) Foreclosure Estimate
 - b) Receipt of Sale
 - c) Sheriff's Report of Sale and Distribution (2 pages)
 - d) Original Certificate of Publication (2, 1 from R/E & 1 from Public Notice Section)
 - e) Certificate of Sale & **Duplicate** Certificate of Sale
3. Present check for Sheriff's Sale \$600.00 (**EFFECTIVE 7/23/90 THERE IS A CANCELLATION CHARGE OF \$300.00 FOR ANY SALE CANCELED EXCEPT FOR THOSE CANCELED DUE TO BANKRUPTCY**)

AFTER SALE:

1. Set Sale up for approval with Circuit Clerks office, (within ten days of sale)
2. On the day set for approval, pick up signed documents at Sheriff's Office, have sale approved, return **certified** copy of the **Order Confirming** signed or stamped with the Judge's name that approved the sale.
3. Upon presenting copy of the order approving, the Certificate of Sale will be issued.
4. After 30 days, return the **original** recorded Certificate of Sale and the Deed will be issued.

Redemption is made through the Circuit Clerk's office according to the new Foreclosure Statute. **SALE MAY NOT BE HELD UNTIL THE REDEMPTION PERIOD HAS EXPIRED.**

**IN THE CIRCUIT COURT OF THE 22 nd JUDICIAL CIRCUIT OF
McHENRY COUNTY ILLINOIS**

SHERIFF'S NO.

CASE NO.

VS

NOTICE OF SHERIFF'S FORECLOSURE SALE

NOTICE IS HEREBY GIVEN that pursuant to a Judgment for Foreclosure herein entered, the Sheriff of McHenry County, Woodstock, Illinois, or his deputy, will on Thursday the _____ day of _____, 20____, at the hour of 10:00 A.M. at the McHenry County Courthouse, Room 262, 2200 N. Seminary Avenue, Woodstock, Illinois sell at public auction to the highest and best bidder, property legally described as follows:

This property is commonly known as _____ and is improved with a single family dwelling. Terms of Sale: This real estate is being sold in an "As Is Condition" for cash or certified funds and the successful bidder is required to deposit 10% of the bid amount at the time of the sale with the McHenry County Sheriff and the balance to be paid by noon the following Tuesday after the sale, except by arrangement and agreement of the present owner/occupant. For information regarding this real estate, interested parties may contact: _____

Dated: _____

**ROBB TADELMAN
Sheriff of McHenry County**

Attorney:

Published: _____ 20____.
(REAL ESTATE SECTION OF PAPER)

IN THE CIRCUIT COURT OF THE 22nd JUDICIAL CIRCUIT OF McHENRY COUNTY ILLINOIS

**PLAINTIFF
VS**

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CASE NO.

SHERIFF'S NO.

DEFENDANTS

NOTICE OF SHERIFF'S FORECLOSURE SALE

NOTICE IS HEREBY GIVEN that in pursuance of a judgment heretofore entered by the said court in the above entitled cause, Bill Prim, Sheriff of McHenry County, Illinois will on Thursday the _____ day of _____ A.D. 20 __, at the hour of 10:00 A.M., McHenry County Courthouse, Room 262, 2200 N. Seminary Avenue, Woodstock, McHenry County, Illinois sell at public auction to the highest and best bidder for cash and all singular, the following described premises and real estate in said judgment mentioned, situated in the County and State of Illinois, or so much thereof as shall be sufficient to satisfy said judgment to wit:

Together with all buildings and improvements thereon, and the tenements, hereditaments and appurtenances thereunto belonging.

Dated: _____

Name:
Attorney for Plaintiff
Address:
City:
Phone:

Published in _____ on _____ 20 __.

(PUBLIC NOTICE SECTION OF PAPER)

IN THE CIRCUIT COURT OF McHENRY COUNTY, ILLINOIS

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)	
)	Plaintiff
)	
VS)	Sheriff's No.
)	
)	Case No.
)	
)	
)	Defendants

RECEIPT OF SALE

I, the undersigned, as Sheriff of McHenry County, Illinois, offered at public sale the following real estate and premises, hereinafter described, to the highest and best bidder, on the ____ day of _____ 20__ in Room 262, McHenry County Courthouse, 2200 N. Seminary Avenue, Woodstock, Illinois:

Commonly known as: _____

_____, offered and bid the sum of _____ Dollars (\$_____)

and I thereupon struck off and sold the whole of said property to said bidder in the following manner (a) the sum of \$_____ representing the amount due the Sheriff for disbursements and commissions, and (b) a credit for the amount due plaintiff as set forth in the judgment of foreclosure and sale plus all costs, advances and fees thereunder.

ROBB TADELMAN

SHERIFF OF McHENRY COUNTY, ILLINOIS

by: _____

Deputy Sheriff

FORECLOSURE ESTIMATE

IN THE CIRCUIT COURT OF THE 22 nd JUDICIAL CIRCUIT OF MCHENRY COUNTY

CHANCERY DIVISION

)	
)	
PLAINTIFF)	CASE NO.
)	SHERIFF'S NO.
VS)	
)	
DEFENDANTS)	

DATE OF JUDGMENT:

DATE OF SALE:

- | | |
|--|----------|
| 1. a. Amount due under the Judgment
(less attorney's fees) | \$ _____ |
| b. Interest on said amount at %
from date of Judgment to date of
sale (_____ days) | _____ |
| c. Attorney's fees | _____ |
| d. Publication costs | _____ |
| e. Certified copies | _____ |
| SUBTOTAL | _____ |

2. COSTS ADVANCED DURING REDEMPTION

- | | |
|-----------------------------|-------|
| a. Real Estate Taxes | _____ |
| b. Hazard Insurance Premium | _____ |
| c. Property Inspections | _____ |

3. COSTS OF SALE

- | | |
|-----------------------|-------|
| a. Recording | _____ |
| b. Commission on sale | _____ |

SUBTOTAL	\$ _____
Total	_____
Actual Bid	_____
Deficiency	_____

Attorney of Plaintiff

Attorney's Signature

IN THE CIRCUIT COURT OF MCHENRY COUNTY, ILLINOIS

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Plaintiff)	
)	
VS)	Sheriff's No.
)	
)	Case No.
)	
Defendants)	

SHERIFF'S REPORT OF SALE AND DISTRIBUTION

I, Bill Prim, Sheriff of McHenry County, Illinois, respectfully report that a public sale of real estate was held pursuant to a judgment entered in the above entitled cause on the ____ Day of _____, 20____ after expiration of the period of redemption and reinstatement on _____, 20____, and in accordance with the applicable law.

I advertised said sale in a newspaper published regularly in McHenry County Illinois in the section where legal publications are made and where real estate is commonly advertised. A Certificate of said publications with a printed copy of said notices are attached hereto as Exhibit "A".

The public sale was advertised to be held on _____20____, at the hour of _____A.M. in the McHenry County Courthouse, McHenry County, Illinois.

At that time and place, I offered for sale the following described real estate to the highest and best bidder for cash, in accordance with law. Receiving no bids for any part or portion thereof, I offered the said real estate in its entirety. Thereupon, the _____bid the sum of \$_____.

That being the highest bid, I sold to the bidder, for said sum of money, the following real estate, which is hereinafter described:

Commonly known as:

That, after conclusion of said sale, I executed a Receipt of Sale indicating the manner in which the sale bid was received, and delivered same to the successful bidder.

That the proceeds of the Sale were disbursed as follows:

1. To plaintiff

(a) The amount due under the judgment
(less attorney's fees) \$ _____

(b) Interest on said amount at 9% per
annum from _____
Date of decree
to _____

(c) Attorney's fees _____

(d) Certified copies _____

(e) Publication Costs _____

SUBTOTAL \$ _____

2. Costs advanced during redemption

Real Estate Taxes _____

Hazard Insurance Premium _____

Property Inspection _____

Other _____

SUBTOTAL \$ _____

3. Costs retained by Sheriff

(a) Commission on Sale _____

SUBTOTAL \$ _____

TOTAL \$ _____

Deficiency or Surplus \$ _____

Amount of Bid at Sale \$ _____

Upon approval of this report, a Sheriff's Deed of Conveyance will be executed and delivered to the plaintiff in accordance with said judgment and law.

Respectfully submitted the _____ day of _____ 20____.

ROBB TADELMAN
Sheriff of McHenry County

BY: _____
Deputy Sheriff

IN THE CIRCUIT COURT OF MCHENRY COUNTY, ILLINOIS

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)	Plaintiff
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)	Sheriff's No.
VS)	
)	Case No.
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)	
)	
)	Defendants

ORDER CONFIRMING SHERIFF'S REPORT OF SALE AND DISTRIBUTION

This cause being heard on the motion of the plaintiff, by its attorney's _____ and on the Report of Bill Prim, Sheriff of McHenry County, heretofore appointed to make sale of the real estate in question in this cause to satisfy the judgment entered herein on _____, this Court reviewing the Report of Sale showing the proceedings of the Sheriff under said judgment entered herein on _____, and the distribution of the proceeds derived from said sale, due notice having been served, no cause to the contrary having been shown, and the Court being fully advised in the premises FINDS:

That said Sheriff has in every respect proceeded in due form of law and in accordance with the terms of said judgment; that the period of redemption expired without redemption having been made and the period of reinstatement expired without reinstatement being made; that the advances made by the plaintiff after the entry of the judgment and prior to sale were fair and reasonable; that said sale was fairly and properly made; that the proceeds derived therefrom properly distributed; that the successful bidder is entitled to a Sheriff's Deed of Conveyance and possession of said premises, and that the mortgagors remain in possession of the premises:

IT IS THEREFORE ORDERED AND ADJUDGE by the Court:

That said sale, the distribution of the proceeds thereof, and the report of Sale and Distribution are hereby approved, ratified and confirmed.

That the mortgagee's fees and costs arising between the entry of the judgment of foreclosure and the date of the Sheriff's sale are approved, ratified, and confirmed.

That, after the expiration of any right to possession herein retained by the former mortgage, Bill Prim, the Sheriff of McHenry County shall execute and deliver to successful bidder, pursuant to Section 15-1509 of the Illinois Mortgage Foreclosure Law (Illinois Compiled Statutes, Chapter 735-ILCS 5/15-1509), a deed sufficient to convey title.

That the successful bidder is awarded possession, commonly known as: _____
(see legal description attached as Exhibit A), as of the date thirty (30) days after the entry of this order' that, in the event possession is withheld after thirty (30) days, said Sheriff is directed _____ to _____ evict _____ and dispossess, _____, and any unknown occupants claiming through them, from the subject premises.

That there is no just cause for delay in the enforcement of or appeal from this order.

ENTER: _____
JUDGE

DATE: _____

Attorneys:

IN THE CIRCUIT COURT OF MCHENRY COUNTY ILLINOIS

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VS)	Plaintiff
)	
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)	
)	
)	Defendants

Sheriff's No.
Case No.

MOTION TO CONFIRM SHERIFF'S SALE AND AWARD POSSESSION

Now comes _____, by and through its attorneys _____ and, pursuant to Section 15-1508 of the Illinois Mortgage Foreclosure Law (Illinois Compiled Statutes, Chapter 735-ILCS 5/15-1508), moves this court to confirm the Sheriff's sale and award possession and in support of it's position states as follows:

1. The Sheriff, in every respect, proceeded in due form of law and in accordance with the terms of the judgment.
2. The period of reinstatement and redemption expired without same being exercised.
3. The sale was fairly and properly made and notice given in accordance with Section 15-1507(c) of the Illinois Mortgage Fore-closure Law to an order awarding possession of the real estate as of the date thirty (30) days after the entry of the order confirming said sale.
4. Plaintiff is entitled, pursuant to Section 15-1508(b) of the Illinois Mortgage Foreclosure Law to an order awarding possession of the real estate as of the date thirty (30) days after the entry of the order confirming said sale.
5. Attached and incorporated herein is a copy of the Sheriff's Report of Sale and Distribution.

WHEREFORE, Plaintiff prays for an order confirming the Sheriff's Sale, awarding possession of the real estate, and any further relief which this Court deems necessary.

BY: _____

Attorney:

IN THE CIRCUIT COURT OF MCHENRY COUNTY, ILLINOIS

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) **Plaintiff**) **Sheriff's No.**

) **VS**) **Case No.**

))

) **Defendants**)

CERTIFICATE OF SALE

The undersigned as Sheriff of McHenry County, Illinois, in accordance with the terms of the judgment entered in the above cause, offered at public sale the real estate and premises hereinafter described, to the highest and best bidder, on the ____ day of _____ 20____ Room_____ McHenry County, Illinois. Said sale pursuant to notice as required by said judgment and by law.

I first offered said real estate for sale separately and then in combinations less than the whole. Having received no bid therefor, I thereupon offered the entire real estate and premises hereafter described en masse. Whereupon, _____ offered and bid the sum of _____ - _____ Dollars (\$_____). This being the highest and best bid at said sale, I thereupon struck off and sold the whole of said property to said bidder for said money.

SUBJECT TO CONFIRMATION BY THE COURT

Said real estate and premises are situated in McHenry County, Illinois, and are described as follows:

CERTIFICATE OF SALE

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Witness my hand and seal, in duplicate, at McHenry County, Illinois, this
_____ day of _____ 20_____.

ROBB TADELMAN
Sheriff of McHenry County Illinois

By: _____
Deputy Sheriff

SHERIFF'S DEED IN JUDICIAL SALE

Sheriff's No. _____

THE GRANTOR, Sheriff of McHenry County, Illinois, pursuant to and under the authority conferred by the provisions of a decree and/or judgment entered by the Circuit Court of McHenry County, Illinois, on _____, In Case No. _____ entitled _____ VS _____ and pursuant to which the land hereinafter described was sold at public sale by said grantor on _____, from which sale no redemption has been made as provided by statute, hereby conveys to _____, the holder of the Certificate of Sale, the following described real estate situated in the County of McHenry in the State of Illinois, to have and to hold forever:

DATED this _____ DAY OF _____ 20, _____.

ROBB TADELMAN, Sheriff of McHenry County,
Illinois

by: _____
Deputy Sheriff

JUDICIAL DEED

PAGE 2

State of Illinois) I, the undersigned, a Notary Public in and for said County in the
) SS State aforesaid, DO HEREBY CERTIFY THAT

_____ personally known to me to be the same person whose name as Deputy Sheriff of McHenry County, Illinois is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged he/she signed, delivered the said instrument as his/her free and voluntary act as such Deputy Sheriff, for the uses and purposes therein set forth.

Given under my hand and official seal, this _____ day of _____, 20__

Commission expires _____
Notary Public _____

Address of Property

Mail to: _____

THE ABOVE ADDRESS IS FOR STATISTICAL-
PURPOSES ONLY AND IS NOT A
PART OF THIS DEED.

Address of Grantee

Newspapers to Publish in McHenry County

Northwest Herald

One Harold Square, Crystal Lake, IL. 60014 (815)459-4040