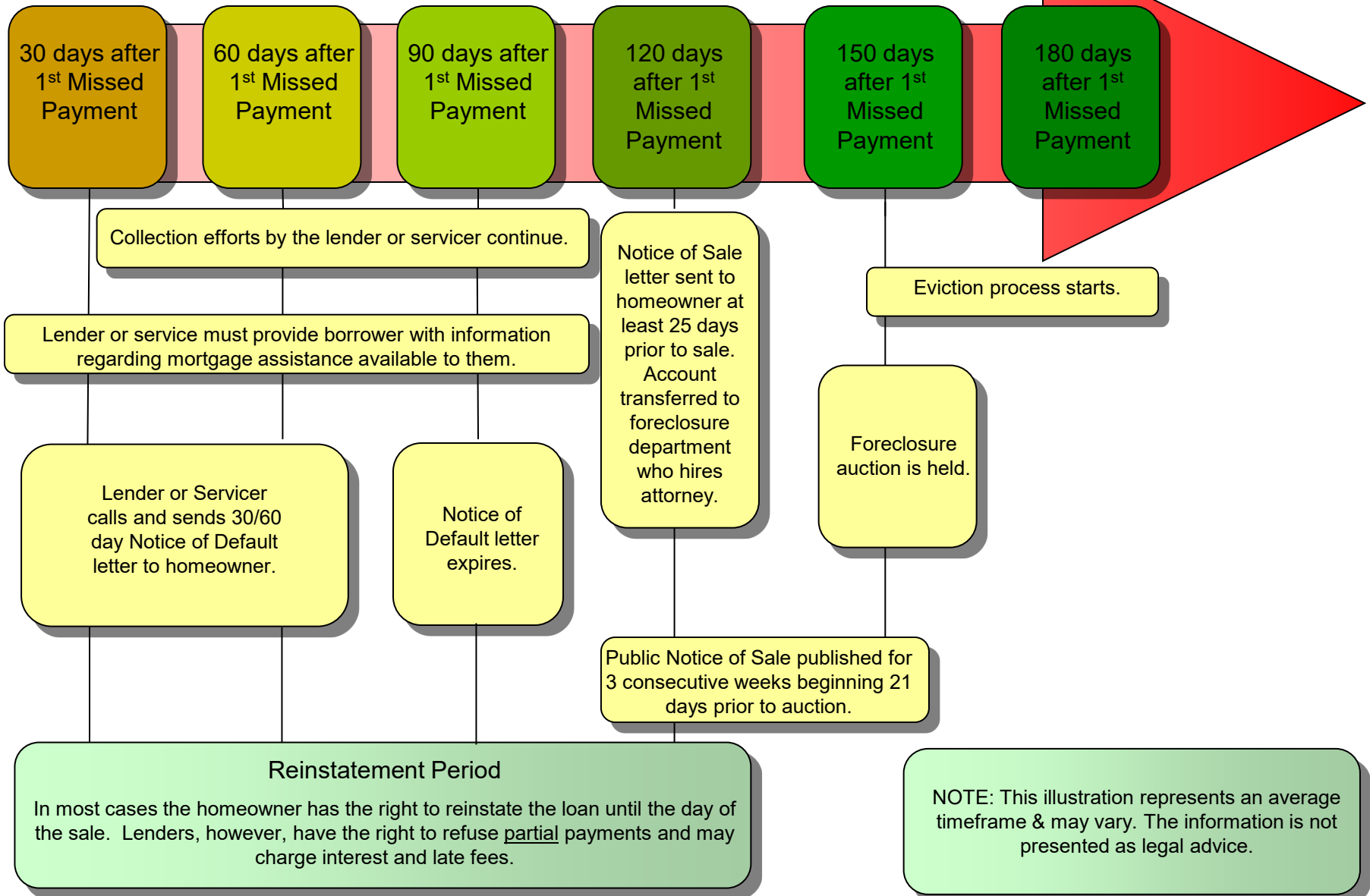


Foreclosure Timeline in New Hampshire



Non-Judicial Foreclosure Process (including reference to Consumer Financial Protection Bureau Guidelines)



Foreclosure Basics

Foreclosure in New Hampshire can happen very quickly. **You can lose your home in less than 120 days if you do nothing.**

In New Hampshire, most home mortgages have a "power of sale" clause. A "power of sale" clause means that the lender can take your home without taking you to court if you are behind in your home mortgage payments. Because of this "power of sale" clause allowed in New Hampshire home mortgages, New Hampshire is called a "non-judicial" foreclosure state.

Here are the steps to losing your home:

- 1. You miss payments and receive an acceleration letter.** Default: Meaning, you are not current in your home mortgage payments. If you do not cure the default, you will soon receive an acceleration letter from the "mortgagee" (a "mortgagee" is the person or entity holding your mortgage and you, the borrower, are the "mortgagor") telling you that you need to pay the past due amounts within a certain timeframe.
- 2. You may incur other charges in addition to the missed mortgage payments.** You may incur late fees, penalties, and the lender's costs and fees for the mortgagee's attorney for being in default - so being late in your mortgage payments may cause you to incur these additional charges.
- 3. The foreclosure sale is scheduled.** After the acceleration letter, the mortgagee is permitted to schedule a foreclosure sale of your home if you have not brought all of your mortgage payments, cost, fees, and late charges current. The mortgagee must send you a notice of foreclosure sale at least 45 days before the foreclosure sale.
- 4. The foreclosure is advertised in the newspaper.** The mortgagee advertises the sale once a week for three weeks in the newspaper before the foreclosure sale. This published notice states the date and time that your foreclosure sale is going to take place.
- 5. The foreclosure sale occurs.** On the day of the foreclosure sale, an auctioneer on behalf of the mortgagee shows up on your front lawn and auctions off your home. Up to the point of foreclosure sale, you can "reinstate" by paying back the lender all the past due payments as well as the costs, fees, late fees, and penalties - again, it is not just paying back the late mortgage payments. You do not have to vacate your home on the sale date.
- 6. The foreclosure deed is recorded by the new owner.** Whoever buys your home at the foreclosure sale has 60 days to record the foreclosure deed at the Registry of Deeds. The mortgagee may buy your home at the foreclosure sale or a third-party may buy your home.
- 7. You are evicted.** After the foreclosure sale deed is recorded, the new owner (often the mortgagee) will start the process to evict you, the former homeowner.

How do I stop the foreclosure?

- 1. Lender consents:** Ask the mortgagee to adjourn the foreclosure sale and give them a reason to do so - such as you have a mortgage loan modification pending, or you have a sale pending of your home that will repay the loan. With respect to a loan modification, remember you can get FREE help

in the State of NH from a Housing Counselor [1]. If the mortgagee agrees to adjourn the foreclosure sale, it is very wise to get this in writing. Or, you can pay the lender all of the back payments, late fees, penalties etc., that have accrued up to the date of the foreclosure sale, also called "curing the arrearages" - and then you can go back to making your normal monthly mortgage payments on time - but you normally only have until the time the foreclosure sale takes place to "cure the arrearages."

2. **TRO:** You may be able to seek a temporary restraining order (TRO), also called an "injunction," in the state court to temporarily stop the foreclosure sale, but you need to give the judge a reason to stop the foreclosure sale and you need to do this before the foreclosure sale. You must file a Complaint to Enjoin Foreclosure [2] with the court before the foreclosure sale. 603 Legal Aid may be able to help you with the TRO process.

3. **Bankruptcy:** File a petition in bankruptcy which automatically stops the foreclosure proceedings. In a Chapter 13 bankruptcy proceeding, you can have up to 60 months (5 years) to cure the back payments you owe to the lender and keep your home, as long as you can make the normal monthly payments going forward. Chapter 7 automatically stops the foreclosure sale; however, once the Chapter 7 case is over, the mortgagee can reschedule the foreclosure sale or ask the bankruptcy court for permission to restart the foreclosure process before the Chapter 7 case is closed.

The Foreclosure Relief Project

To speak to an attorney who can evaluate your legal options, call 603 Legal Aid to apply for the **Foreclosure Relief Project** at 800-639-5290 or apply online [3]. After an intake interview, you will be scheduled for a free telephone appointment. After speaking with the attorney, you may be referred to a partner program either through the New Hampshire Bar Association or New Hampshire Legal Assistance if you would benefit from further legal assistance.

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Links:

[1] <https://www.homehelpnh.org/how-we-can-help/counseling-agencies/>

[2] <https://www.courts.state.nh.us/forms/nhjb-2834-se.pdf>

[3] https://larcoi.legalserver.org/modules/matter/extern_intake.php?pid=68&h=b3e477

[4] <https://larcfrp.blogspot.com/search?updated-max=2013-03-05T14:53:00-08:00&max-results=7&start=7&by-date=false>

[5] <https://nhlegalaid.org/self-help-guides/housing/foreclosure>

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The Sheriff is Coming to Lock Me Out ... Now What?

If a court has given your landlord a Writ of Possession and the sheriff is coming to lock you out, prepare now. If you are not able find and move to a new place before the lock out, below are some things you can do to prepare and this is what you can expect to happen next.

NOTE: Sometimes there are ways to prevent or delay a lock out. First, be sure to read our information on [eviction](#) [1] and [tenant rights](#) [2]. If you think something may have gone wrong in the eviction process and/or you have not already gotten legal advice, [apply for assistance online](#) [3] or call 603 Legal Aid at 1 (800) 639-5290.

How quickly will the sheriff come?

Once the court grants the landlord the Writ of Possession, you can be locked out at any time. Each County sheriff's office has its own practice. Some may give you advance warning, but others will show up unannounced to lock you out. Your County sheriff's office may or may not be willing to tell you what their process is and when they will be coming.

It is winter and I have kids - or I am disabled - does that mean I can not be locked out now?

No. You can still be locked out. We do not know how this myth started. The NH [eviction process](#) [1] is the same year-round.

How much time will I have once the sheriff arrives at my door?

When the sheriff arrives to lock you out, you will likely get only 10-20 minutes to gather your things and get out. This is not the time to start packing. You should try to do as much packing as you can beforehand. If possible, remove your belongings before the sheriff arrives.

At a minimum, as soon as you know the Writ of Possession is coming, you should pack a bag or box of the most important things you want to take with you and leave it by the front door. If you go out, take it with you in case the locks are changed before you return.

What should I take with me?

Only you can decide what things are most important, but consider things like:

clothing & personal items

- medications

- important documents

- things of sentimental value like baby books or photo albums

- anything of monetary value, such as a computer or jewelry.

If there are things you will need to take but cannot leave packed, put a note on top of the packed bag or box reminding yourself to get those things. Then, if you go out or when the sheriff arrives, you can get those things and add them to your other belongings. Things such as:

- a blanket or stuffed animal your child needs to sleep, or
- medication that must be refrigerated.

What about the things I could not take with me?

Once you leave your apartment, you have 7 days to arrange with your landlord to get any property you left behind. Your landlord must cooperate but you do not have control over that property and will not have free access to it.

If you have questions about property you have left behind, read [our page on how to retrieve property left behind](#) [4].

Where can I go?

You should try to arrange for a place to go before you are locked out. There is housing search information and possible financial assistance at the [New Hampshire Housing website](#). [5] You can also apply for financial assistance at your town or city welfare office.

Learn more about these programs on [our local welfare page](#) [6].

I am locked out and have no place to go!

If you have not found a place to go by the time you are locked out, call 2-1-1 and ask for homeless outreach.

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[Evictions](#) [7]

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Links:

[1] <https://nhlegalaid.org/self-help-guides/housing-foreclosure/evictions/questionanswer-walk-through-eviction-process>

[2] <https://nhlegalaid.org/self-help-guides/housing/tenants-rights>

[3] <https://nhlegalaid.org/get-help>

[4] <https://nhlegalaid.org/self-help-guides/housing-foreclosure/evictions/property-left-apartment-after-eviction>

[5] <https://www.nhhfa.org/rental-housing-renters.cfm>

[6] <https://nhlegalaid.org/self-help-guides/benefits/local-welfare-new-hampshire>

[7] <https://nhlegalaid.org/self-help-guides/housing/evictions>

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Links:

[1] <https://www.homehelpnh.org/how-we-can-help/counseling-agencies/>

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