

Notes of Value



Office of the Sheriff
Johnson County, Kansas

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Johnson County, Kansas foreclosures

As foreclosure rates rise across the nation, Johnson County is not immune to the crisis. Just ask Lieutenant Mark Enke of the Johnson County Sheriff's Office, who has been dealing with foreclosures for more than 22 years.

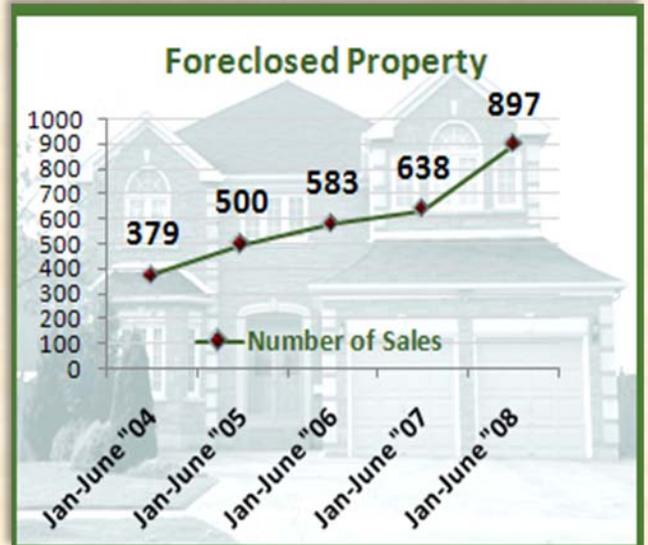
Enke said the average per month of foreclosures in Johnson County is approximately 105 properties (sales) per month.

"Whatever affects the economy, we're going to see an effect on that in this office for the next 6 months to 2 years," Lieutenant Enke said. "A lot of times it takes six months for it to hit our office, but then it takes at least 2 years for it to filter out of the office."

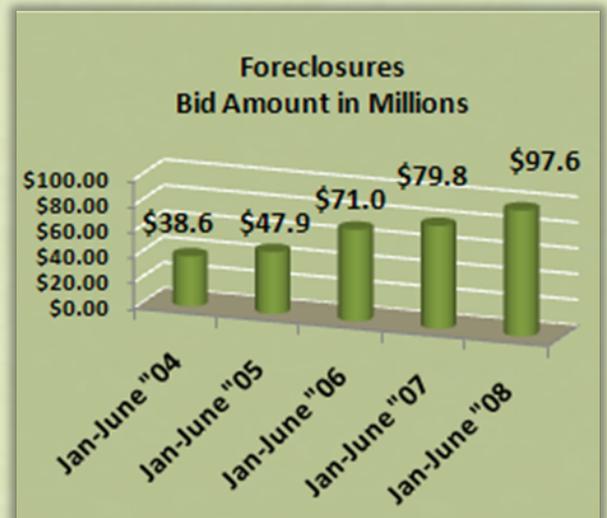
A Johnson County, Kansas Foreclosure Status report, provided by the Sheriffs office revealed:

From January through June of 2008, 897 foreclosed properties have been auctioned for sale – totaling approximately \$98 million.

The figure to the right top of the page shows the number of sales on these properties that were sold January through June, 2004 through 2008.



The graph below illustrates the total number of bids in millions, in which homes have been sold from January through June of 2004 through 2008.





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The foreclosure procedure involves a lawsuit in which a bank, mortgage company, or other lien holder takes a property owners' home to satisfy a debt.

Banks, lenders and other lien holders authorize the Johnson County Sheriff's Office to take property for the purpose of conducting an auction at the court house to pay off the debt of property owners who default on their loans.

The county foreclosure process

A summons and petition is filed and served upon parties involved in the case. The summons and petition list the mortgage company involved in the foreclosure. The defendant is given 20 days from the date of service to file an answer back to the court or the attorney to dispute the petition.

If an answer is filed, it will slow the process. The answer by the defendant will cause a response from the plaintiff or a court date to be set to address the issues presented.

If there are no answers or once all of the answers have been addressed, a Journal Entry of Judgment will be filed. This states that the court gives the plaintiff "permission" to proceed with the sheriff's sale.

The notice of sheriff's sale is then given to the sheriff's office. This is not filed with the court, but it is a notice given to the sheriff's office so they can put the notice on their schedule.

The plaintiff coordinates with the sheriff's office to set a sale date for the property. Approximately the same time the notice is given to the sheriff's office the publication starts. The publications are handled by the plaintiff's attorney. There are three newspapers that are generally used, Olathe Daily News, Sun Newspapers and the Johnson County Legal Record. Publication must take place 3 weeks consecutively prior to the date of sale with the last date of publication being more than 7 and no more than 14 days before the sale is held.

The plaintiff then gives an order of sale to the court for signature by a judge and a copy of that order is given to the sheriff's office. The sheriff's sale can not take place without this order.

Seven to 10 days prior to the sale the sheriff's office contacts the county treasurer's office to determine whether back taxes are owed. Taxes on the property must be paid the day of sale.

The actual sales are held on the court house step at the main entrance of the court house every Wednesday and Thursday morning at 10 am. Any property bought by a third party at the sale must be paid for in full by three pm the day of sale. Personal checks are not accepted as payment.



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The county foreclosure process

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Properties are referenced and sold by case number or legal description. Once the case is called at the sale the plaintiff places the opening bid which includes their monetary stake in the property, all costs incurred (filing and advertising) and taxes. Any eligible party may place a bid on the property. There is not a set bid increment; therefore, a bid of \$1.00 more than the plaintiff may be the high bid.

A return of sheriff's sale is filed with the court in answer to the order of sale that was issued.

A few days after the sale, an order confirming hearing is held to confirm that the sheriff's sale was issued. The documentation is signed by a judge, recaps what happened at the sale and validates the process was performed legally.

At this hearing the redemption period is set. This is typically 3 months from the date of sale. If the defendant has been in the property for a long time and a large portion of the mortgage is already paid off, the redemption period may be longer. It may also be longer if the government is involved (IRS, Department of Veterans Affairs, etc.), and this may involve 120 days to one year. After the order confirming hearing is done a certificate of purchase can be issued. The plaintiff's attorney must submit this paperwork to our office for review and signature.

After the redemption period has expired and the original certificate of purchase is surrendered to the sheriff's office, a deed can be issued. The buyer must provide the deed to the sheriff's office. They will check to make sure the property was not redeemed, review the document and the sheriff will sign the deed. The buyer must take the deed to the registered of deeds and have it registered.

Once the deed is filed the buyer assumes possession of the property. If the property is occupied, the buyer must proceed with the eviction process to have the current occupants removed. This process may take up to three weeks before possession is turned over to the buyer.

Source: Sheriff's Office

