



## The FindLaw Guide to Surviving a Foreclosure

# The FindLaw Guide to Surviving a Foreclosure

If you or a loved one are behind on mortgage payments, you may be looking to avoid foreclosure or you may already be part of the foreclosure process. Here, we provide information that can help you through this difficult time.

## Table of Contents

- Introduction
- What is Foreclosure?
- Types of Foreclosure
- Foreclosure Process
- How to Avoid Foreclosure
- Should I Contact an Attorney?

## Introduction

If you are facing a foreclosure and need help understanding foreclosure laws, types of foreclosure you face, the foreclosure process, or how to avoid foreclosure, FindLaw and its directory of attorneys are here to help.

## What is Foreclosure?

Foreclosure is the process where your lender (mortgage holder) gains ownership of your property, is given the legal right to sell the property and uses the proceeds to pay off the mortgage. This usually happens when you are in default on your mortgage payments.

The lender can generally initiate foreclosure anytime after a default on the mortgage. However, there are numerous state

laws and regulations that govern foreclosure to protect both the home owner and the lender.

## Types of Foreclosure

There are two main types of foreclosure. The first is [foreclosure by judicial sale](#). This is available in every state and is the required method in many. A foreclosure by judicial sale is the sale of the property under the supervision of a court, with the proceeds going first to satisfy the mortgage, and then to satisfy other lien holders, and finally to the mortgagor. Because it is a legal action, all the proper parties must be notified of the foreclosure, and there will be both pleadings and some sort of judicial decision, usually after a short trial.

The second type of foreclosure, [foreclosure by power of sale](#), involves the sale of the property by the lender, though not through a court. This type of foreclosure is generally faster than a foreclosure by judicial sale, but it is not available in every state.

There are other types of foreclosures also available in certain states. For example, your state may allow strict foreclosure which gives the property to the lender with no obligation to sell. You should talk to a real estate attorney to learn what types of foreclosure you may face.

## Foreclosure Process

The foreclosure process is different in every state. To learn more about your state foreclosure laws and processes, please see our [State Foreclosure Resources](#) for every state.



Find an Attorney Specializing in Foreclosures Near You



Learn More: Alternative solutions and foreclosure scams, key tips to avoiding foreclosure. Learn about Anti-Deficiency laws and state specific laws.

FindLaw®

Follow us on  

## How to Avoid Foreclosure

Foreclosure is a difficult process that usually results in you losing your home and taking a hit with your credit rating. So trying to avoid foreclosure may be the best bet for you. If you are having trouble making your mortgage payments, it is best to seek assistance as soon as possible. Some early steps you can take include:

- Contacting your lender as soon as you realize that you have a problem. Lenders do not want your house. They have options to help borrowers through difficult financial times.
- Know your mortgage rights. Find your loan documents and read them so you know what your lender may do if you can't make your payments. Learn about the foreclosure laws and timeframes in your state (as every state is different) by contacting the State Government Housing Office.
- Understand foreclosure prevention options. Valuable information about foreclosure prevention (also called loss mitigation) options can be found at [http://portal.hud.gov/hudportal/HUD?src=/topics/avoiding\\_foreclosure](http://portal.hud.gov/hudportal/HUD?src=/topics/avoiding_foreclosure).
- Contact a HUD-approved housing counselor. The U.S. Department of Housing and Urban Development (HUD) funds free or very low cost housing counseling nationwide. Housing counselors can help you understand the law and your options, organize your finances and represent you in negotiations with your lender if you need this assistance. Find a HUD-approved housing counselor near you by visiting <http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm>.

**STOP**

### Should I Talk to an Attorney?

If you are falling behind on your mortgage payments and realize that you may be faced with a foreclosure, you may want to contact an attorney to learn your options. An attorney can provide insight into the process and can tell you what you can expect during this tumultuous time. Additionally, a lawyer can help you steer clear of foreclosure scams and predators who prey on the financially unstable.

You can find an experienced foreclosure lawyer in your area by visiting [FindLaw's Directory of attorneys](#).

---

### For More Information

Regarding foreclosures, please visit our website at <http://www.findlaw.com> or <http://realestate.findlaw.com/foreclosure/>

### Send Us Your Feedback

We're listening! Send us your feedback [here](#).

---

Disclaimer: The information you obtain in this publication is not, nor is it intended to be, legal advice. You should consult an attorney for advice regarding your individual situation.

[Disclaimer](#) | [Terms](#) | [Privacy](#)



Find an Attorney Specializing in Foreclosures Near You



Learn More: Alternative solutions and foreclosure scams, key tips to avoiding foreclosure. Learn about Anti-Deficiency laws and state specific laws.

FindLaw®

Follow us on

# FINDLAW.COM EMPOWERS PEOPLE WITH TRUSTED, TIMELY AND INTELLIGENT LEGAL INFORMATION

**BLOGS** – FindLaw Blogs present timely news that has real-life implications, deliver important information and discuss law-related entertainment.

**FINDLAW ANSWERS** – A vibrant, interactive online community where everyday people can ask legal questions and get real-time answers from legal professionals and others with similar experiences.

**NEWS & NEWSLETTERS** – Updated throughout the day and night and covering a wide range of legal topics, FindLaw.com's News page presents current legal news, keeping people informed and educated.

**FIND A LAWYER** – An easy-to-search database of more than one million lawyers and law firms. It provides detailed information, enabling people to contact a qualified lawyer when they are ready.



**DO-IT-YOURSELF FORMS & CONTRACTS** – FindLaw.com provides accurate legal documents for common legal matters. Choose from a library of easy-to-use, low-cost, accurate legal forms for everyday legal issues.

**FINDLAW VIDEO** – On FindLaw.com, you'll find an online directory of more than 1,500 short videos dedicated exclusively to legal topics and attorney and law firm profiles.

## #1 Free Legal Website

FindLaw.com is the leading and largest online resource for legal information. For basic legal issues to more complex ones, you'll find thousands of helpful articles, a legal community to get answers to your specific questions, an attorney directory, blogs, news, DIY forms, and much more.

## Connect With Us

FindLaw.com has an entire social media team dedicated to providing our users with as many options as possible to join, participate in, and learn from the FindLaw community. Some of the social key channels are the following:



[FindLaw for Consumers on Facebook](#)

Making the law easy to access with interactive legal updates aimed at starting conversations, informing followers of their legal rights and providing a forum for questions and resources



[@FindLawConsumer on Twitter](#)

Tweeting interesting, entertaining and informative legal news everyday