



PRAIRIE STATE LEGAL SERVICES

Equal Access to Justice

# Foreclosure Timeline

\*A sample timeline of the foreclosure process in Illinois.\*



**(1) Default:** **Default** usually occurs when the homeowner is unable to make monthly payments. A homeowner may also “default” by failing to pay property taxes or failing to follow other terms in the mortgage. If a homeowner defaults, foreclosure will not start immediately. Typically, the bank will not start foreclosure until the homeowner has been in default for approximately 120 days.



**(3) Complaint:** Next, the bank may start foreclosure in Court by filing a “**complaint.**” A complaint is a legal document alleging why the bank is foreclosing. The complaint and a “**summons**” will then be **served** on the homeowner by a sheriff or qualified process server. After being served, the homeowner has 30 days to file a written response to the complaint called an “**answer.**” The homeowner also has 90 days to “**reinstate**” to bring loan payments current and otherwise cure the default.



**(5) Sale:** After judgment, a “**sheriff’s sale**” is conducted to sell the foreclosed home. A sheriff’s sale is a public auction held in the courthouse. The bank *cannot* conduct a sheriff’s sale until the “**redemption period**” ends. Redemption allows the homeowner a chance to pay-off the loan completely. The redemption period usually lasts *either 7 months* from the date of service of the summons, *or 3 months* after a judgment—*whichever is a longer period of time.*



**(2) Notices:** The bank must send several **notices** to the homeowner *before* filing a foreclosure lawsuit. In some cases, the bank must notify the borrower that it intends to “**accelerate**” the loan (that it will no longer accept monthly payments). Other notices may be required as well.



**(4) Judgment:** If the homeowner does not file an “**answer,**” the bank may request the Court enter a “**default judgment**” for foreclosure and sale. A judgment is an very important step in the case. If the Court grants the bank’s request for a judgment, though, the bank must still take several other steps to finish the legal foreclosure process .



**(6) Confirmation of Sale:** After a sheriff sale, the bank will ask the Court to “**confirm**” the sheriff’s sale. An order to confirm the sheriff’s sale is the *final step* of foreclosure. The Court may also establish if the borrower owes any money even after foreclosure called a “**deficiency**” judgment. Illinois law grants homeowners 30 days to remain in the home after confirmation of the sheriff’s sale.



\*Foreclosure typically lasts at least 12 months from start to finish. This is a sample timeline only. Your case may be different.\*



**This is a sample timeline to illustrate the process of mortgage foreclosure in Illinois. Your case may be different.**

Pre-Foreclosure	<b>JANUARY 1:</b>	Homeowner “ <b>defaults</b> ” on the mortgage loan by missing the first payment.
	<b>FEBRUARY 1 :</b>	Homeowner misses a second payment. Bank sends a notice informing homeowner of the “default.” Bank sends options to avoid foreclosure.
	<b>MARCH 1:</b>	Homeowner misses a third payment. Homeowner receives notices from bank of intent to accelerate the loan, file foreclosure, & some rights the homeowner has to avoid foreclosure.
Foreclosure	<b>JUNE 1 :</b>	Bank files the foreclosure case in court; a <b>summons</b> is issued & given to the sheriff or private process server.
	<b>JUNE 15:</b>	Homeowner is <b>served</b> with a copy of the <b>summons &amp; complaint</b> .
	<b>JULY 15 :</b>	If the homeowner does not file an <b>answer</b> to the foreclosure <b>complaint</b> , & the time to answer is not postponed by a “mediation program,” the bank will request a <b>default judgment</b> . If the homeowner filed an “ <b>answer</b> ,” the bank will likely proceed to file a motion for “ <b>summary judgment</b> .”
	<b>AUGUST 15:</b>	The bank may seek to have a <b>judgment</b> entered by the Court, & the Court could potentially enter a default (or summary judgment of foreclosure & sale against the named defendants).
	<b>SEPT. 13:</b>	The right to “ <b>reinstate</b> ” expires (90 days after service of summons & complaint on all mortgagors)
	<b>JANUARY 15:</b>	The right to “ <b>redeem</b> ” expires (7 months after service of “summons” & “complaint” OR 3 months after judgment, whichever is a longer period of time).
	<b>JANUARY 16:</b>	After the <b>redemption period</b> expires, the bank may conduct the “ <b>sheriff’s sale</b> ” (also called a “judicial sale”) of the property after notice of the sale is given (published in the newspaper for at least 3 consecutive weeks between 45 days & 7 days prior to the sale).
	<b>JANUARY 23:</b>	Bank gives notice of a court date to “ <b>confirm</b> ” the “ <b>sheriff’s sale</b> .” At the hearing to confirm the sheriff’s sale, the Court will establish the homeowners’ liability for a “ <b>deficiency judgment</b> ,” enter a <b>court order confirming the “sheriff’s sale”</b> & enter an “order of possession.” However, the order of possession is “stayed” (or “postponed”) for 30 days.
	<b>FEBRUARY 22:</b>	The deadline to leave the home & the <b>special right to redeem</b> (if the bank bought the property at the sheriff’s sale for less than the judgment amount) expire 30 days after the Court entered the order to confirm the “ <b>sheriff’s sale</b> .”
	<b>FEBRUARY 23:</b>	The Court <b>order confirming the sheriff’s sale &amp; possession</b> is given to the sheriff. Homeowner can be evicted.

**For specific legal advice, contact the Prairie State Legal Services Legal Help for Homeowners Project at (888) 966-7757 or visit [www.pslegal.org/apply](http://www.pslegal.org/apply).**