FORECLOSURE DEADLINE SURVIVAL CHECKLIST

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A structured document-organization framework designed to help individuals prepare clear, filing-ready materials based solely on client-provided information. DraftWise Legal provides document preparation services only. No legal advice is provided.

USE THIS GUIDE TO:

- Track every notice, communication, and deadline in one place
- Organize exhibits and supporting documents for filing
- Prepare structured responses calibrated to foreclosure type
- Identify critical timing windows before they close
- Reduce last-minute filing stress with systematic preparation

SECTION 1 | IMMEDIATE TRIAGE

■ ***Time is the most critical variable in foreclosure. Identify your foreclosure type and key dates before anything else.***

Step 1: Identify Foreclosure Type

■ Judicial Mortgage Foreclosure (court-supervised; complaint and summons filed)
■ Non-Judicial Mortgage Foreclosure (trustee-administered; no court filing required)
■ HOA / Condominium Association Lien Foreclosure
■ Tax Lien Sale / Tax Deed Foreclosure
■ Federal Tax Lien (IRS) or State Tax Lien

PRACTICE NOTE: *The distinction between judicial and non-judicial foreclosure determines your entire response strategy, available defenses, and applicable timelines. Confirm your state's process before taking any action.*

Step 2: Confirm Critical Timeline Details

■ **Date Notice of Default / Lis Pendens received**
■ Date Notice of Intent to Foreclose received
■ **Sale date or auction date identified**
■ **Right-to-cure / reinstatement deadline identified**
■ Court case number and jurisdiction located
■ Trustee, servicer, and current note holder confirmed
■ Answer or responsive pleading deadline calculated
■ Master deadline calendar created and maintained

PRACTICE NOTE: *In judicial foreclosure states, failure to answer the complaint within the statutory period (often 20-30 days) can result in default judgment. This deadline must be identified immediately.*

Step 3: Identify Loss Mitigation Status

■ Has a loss mitigation application been submitted?
■ Is a complete loss mitigation application pending review?
■ Has the servicer acknowledged receipt in writing?
■ Has the servicer issued a determination?
■ Has any appeal of a denial been filed within the appeal window?

PRACTICE NOTE: *Under federal servicing rules (Regulation X / 12 C.F.R. 1024.41), a complete loss mitigation application received more than 37 days before a scheduled sale triggers specific servicer obligations and may halt the foreclosure process.*

Document submission dates carefully.

SECTION 2 | JUDICIAL MORTGAGE FORECLOSURE

Judicial foreclosures proceed through the court system. The lender files a complaint, and the borrower has the right to file responsive pleadings, raise affirmative defenses, and challenge the proceeding at each stage.

Notices & Court Filings

- ■ Complaint / Petition for Foreclosure
- ■ Summons with return date and answer deadline
- ■ Lis Pendens (if filed)
- ■ Notice of Default / Breach Letter (pre-suit)
- ■ Acceleration notice
- ■ Assignment of Mortgage / Deed of Trust
- ■ Substitution of Trustee (if applicable)
- ■ Notice of Sale (if sale date has been set)

Loan & Payment Documentation

- ■ Original promissory note (or copy if available)
- ■ Mortgage / Deed of Trust
- ■ Complete payment history from servicer
- ■ Monthly mortgage statements (last 24 months minimum)
- ■ Escrow account statements and analyses
- ■ Loan modification agreements (if any)
- ■ Forbearance agreements (if any)
- ■ Payoff statement or reinstatement quote

PRACTICE NOTE: *Request a complete payment history and transaction history from the servicer. Discrepancies between the servicer's records and your records are a common area of inquiry in foreclosure proceedings.*

Servicer Communications

- ■ All correspondence from the loan servicer
- ■ QWR / RFI responses (Qualified Written Request / Request for Information)
- ■ NOE responses (Notice of Error)
- ■ Loss mitigation correspondence and determinations
- ■ Dual-tracking documentation (if applicable)
- ■ Transfer of servicing notices

Response Preparation Tracking

- ■ Answer / Response to Complaint drafted
- ■ Affirmative defenses identified and documented
- ■ Counterclaims assessed (RESPA, TILA, FDCPA, state claims)
- ■ Affidavits / Declarations prepared
- ■ Motion to Dismiss (if applicable) formatted
- ■ Preliminary injunction / TRO materials (if applicable)
- ■ Discovery requests prepared (interrogatories, RFPs, RFAs)
- ■ All exhibits labeled, organized, and cross-referenced
- ■ Proof of service / certificate of mailing prepared

PRACTICE NOTE: *Exhibits should be labeled sequentially (Exhibit A, B, C...) with a master exhibit list that includes a brief description of each document. Courts expect exhibits to be tabbed and readily identifiable.*

SECTION 3 | NON-JUDICIAL FORECLOSURE

Non-judicial foreclosures proceed outside the court system through a trustee or statutory power-of-sale process. Because there is no automatic court proceeding, the borrower must take affirmative steps to challenge the foreclosure.

Notices & Trustee Documents

- ■ Notice of Default (NOD)
- ■ Notice of Trustee Sale (NOTS) / Notice of Sale
- ■ Substitution of Trustee
- ■ Assignment of Deed of Trust (all recorded assignments)
- ■ Pre-foreclosure breach / demand letter
- ■ Publication notices (newspaper postings)
- ■ Posting certificate / proof of posting on property

Borrower Action Items

- ■ **Reinstatement amount confirmed and reinstatement deadline identified**
- ■ **Right of redemption period identified (pre-sale and post-sale)**
- ■ Loss mitigation application submitted before the 37-day cutoff
- ■ QWR / RFI / NOE letters sent to servicer
- ■ Cease-and-desist or dispute letter sent (if applicable)
- ■ **TRO / injunction petition filed with court (if seeking to halt sale)**
- ■ Bankruptcy petition prepared (if applicable as automatic stay strategy)

PRACTICE NOTE: *In non-judicial foreclosure states, the borrower typically must initiate court action (e.g., file a TRO or injunction) to stop the sale. Unlike judicial foreclosure, there is no pending court case in which to file a response. Know your deadlines.*

SECTION 4 | NON-MORTGAGE FORECLOSURE

HOA / Condominium Association Lien

- ■ Assessment demand / lien notice received
- ■ Lien amount verified against association records
- ■ Association bylaws and CC&Rs; reviewed for lien authority
- ■ Payment plan or dispute correspondence documented
- ■ Trustee sale notice (if applicable)
- ■ State statute governing HOA foreclosure rights reviewed

Tax Lien / Tax Deed Sale

- ■ Tax delinquency notice received
- ■ **Redemption period and deadline confirmed**
- ■ Tax sale date and location identified
- ■ Total amount due (including penalties and interest) verified
- ■ Excess proceeds claim deadline identified (post-sale)
- ■ Notice to mortgage holder / lienholder confirmed

PRACTICE NOTE: *Tax lien and tax deed sales often have separate redemption periods that may differ significantly from mortgage foreclosure timelines. Some jurisdictions allow redemption even after a tax sale, but strict deadlines apply.*

SECTION 5 | DOCUMENT PREPARATION TRACKER

Use this tracker to monitor every document in preparation. Update status regularly and note filing method, service requirements, and confirmation details.

DOCUMENT	DEADLINE	STATUS	FILING METHOD	CONFIRMATION
Answer / Response				

DOCUMENT	DEADLINE	STATUS	FILING METHOD	CONFIRMATION
Affidavit(s)				
Motion to Dismiss				
TRO / Injunction				
Discovery Requests				
Exhibit Assembly				
QWR / RFI / NOE				
Loss Mitigation App				
Appeal Documents				
Proof of Service				

Status Key:

NOT STARTED | **IN PROGRESS** | **UNDER REVIEW** | **COMPLETE** | **FILED** | **SERVED**

Filing Method Key:

E-FILE | **HAND DELIVERY** | **CERTIFIED MAIL** | **FIRST-CLASS MAIL** | **PERSONAL SERVICE**

SECTION 6 | MASTER DEADLINE CALENDAR

Record all critical dates below. Work backward from each deadline to build preparation windows. A missed deadline can be outcome-determinative.

EVENT / DEADLINE	DATE	PREP START	PRIORITY	NOTES
Answer / Response Due				
Right to Cure Expires				
Reinstatement Deadline				
Loss Mitigation 37-Day Cutoff				
TRO / Injunction Hearing				
Discovery Deadline				
Sale / Auction Date				
Redemption Period Expires				
Appeal Deadline				

Priority Key:

CRITICAL (imminent / outcome-determinative) | **HIGH** (approaching) | **MEDIUM** (scheduled) | **LOW** (monitoring)

SECTION 7 | ORGANIZATION BEST PRACTICES

Chronological Order: Maintain all documents in strict chronological order. Courts and trustees expect a clear timeline of events. Every document should be date-stamped or annotated with the date received.

Exhibit Labeling: Label exhibits sequentially (Exhibit A, B, C...) and prepare a master exhibit list with a one-line description of each document. Cross-reference exhibits to the specific claims or defenses they support.

Master Timeline: Build a single chronological timeline of all events from loan origination through the present. Include dates of every notice, payment, communication, and filing. This becomes the backbone of your entire case.

Redundant Copies: Save copies of every notice, letter, and filing in at least two locations (digital and physical). Confirm receipt of every filed document and retain proof of service or mailing certificates.

File Naming: Use clear, consistent file names when organizing digital materials. Recommended format: YYYY-MM-DD_DocumentType_Description (e.g., 2026-01-15_NOD_NoticeOfDefault.pdf).

Communication Log: Keep a detailed log of every communication with the servicer, trustee, or opposing counsel. Record the date, time, method (phone/email/mail), person contacted, and a summary of what was discussed.

Deadline Buffers: Build preparation buffers of at least 5-7 business days before every deadline. Documents prepared at the last minute are more likely to contain errors or miss filing requirements.

SECTION 8 | REGULATORY REFERENCE POINTS

The following federal regulations and statutes are commonly referenced in foreclosure-related document preparation. This is an informational reference only and does not constitute legal advice.

REGULATION / STATUTE	SUBJECT AREA	KEY RELEVANCE
RESPA (12 U.S.C. 2601 et seq.)	Real Estate Settlement	QWR/RFI/NOE rights; servicer obligations; dual-tracking prohibitions
Reg. X (12 C.F.R. 1024)	RESPA Implementation	Loss mitigation procedures; 37-day rule; continuity of contact
TILA (15 U.S.C. 1601 et seq.)	Truth in Lending	Disclosure requirements; right of rescission; loan origination
FDCPA (15 U.S.C. 1692 et seq.)	Debt Collection Practices	Applies to certain servicers/collectors; validation rights
FCRA (15 U.S.C. 1681 et seq.)	Credit Reporting	Dispute rights; accuracy obligations; furnisher duties
UCC Article 3 / Article 9	Commercial Transactions	Negotiable instruments; note holder/transferee status; security interests

NEED STRUCTURED DOCUMENT PREPARATION?

DraftWise Legal prepares organized, filing-ready materials based solely on information you provide.

SERVICES MAY INCLUDE:

- Structured written responses and answer drafts
- Affidavits, declarations, and verifications
- Motion formatting and exhibit organization
- QWR / RFI / NOE letter preparation
- Loss mitigation application packaging
- Discovery request and response formatting
- Complete filing-ready document assembly

Schedule Strategic Intake - $100

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