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Sheriff Sale

Procedures / Guidelines

Many times the public will have questions concerning properties that are going to be auctioned by the Newton County Sheriff. Indiana Law requires the Sheriff to follow certain guidelines that does not afford him the opportunity to allow the public time to acquire funding.

Sheriff's Sales are Mortgage Foreclosures where a judgment has been entered through the court. There is no redemption period on Sheriff's Sales.

Tax Sales are when the property owners do not pay their property taxes and are sold through the Newton County Auditor/Treasurer's Office. There is a one year redemption period on Tax Sales. Sheriff's Sales and Tax Sales are completely different. All Sheriff's Sales are conducted according to (but not limited to) IC 32-29-7 through 32-29-7-14 and IC 32-8-16-5.

BIDDING

Bidding is open and progressive. The Plaintiff always opens the bid and may start lower than the judgment amount.

TERMS

Bids must be in the form of CASH OR CERTIFIED CHECK. A suggestion for the bidder is to bring a cashier's check for the highest amount they wish to bid. We do not accept letters of credit from a financial institution. There are no exceptions. All certified check are to be payable to the Newton County Sheriff. If you are the successful bidder and your check is greater than your successful bid, the Sheriff will issue you a check for the surplus after funds are deposited.

NOTICES OF SALE

Notices of Sale are available on our website www.newtoncountysheriff.com . They are also published at least 30 day prior to Sale in the Newton County Enterprise, a paper of weekly circulation in Newton County. Notices are also posted at the Newton County Courthouse. ALL SALES MAY BE CANCELLED RIGHT UP UNTIL THE TIME OF SALE.

AVAILABILITY TO INSPECT PROPERTY

Property being foreclosed upon is still in the hands of the property owner until sold at Sheriff's Sale. Therefore, you will not have the opportunity to inspect the property which may be owner occupied.

OTHER LIENS ON FORECLOSED PROPERTY

The Sheriff has no knowledge of any other liens on properties other than what is listed in the judgment order which is available for inspection at the Newton County Clerk's Office in the Courthouse. If you are unfamiliar on how to research liens, the Sheriff recommends that you pay a title company to perform this task for you. If you buy property at Sheriff's Sale it is at risk. The Sheriff does not guarantee clear title. You need to contact an attorney for advice on whether you would or would not be responsible for liens on a foreclosed property. We cannot give legal advice.

AFTER THE SALE

If you are the success bidder, it will take one to two weeks to obtain a Sheriff's Deed. If the property is still occupied and you need the Sheriff's assistance in removing the occupants, you must file for a WRIT OF ASSISTANCE (court order), usually obtained with the help of an attorney. The Sheriff will serve the writ and then remove the occupants if necessary. The Sheriff will stand by while you secure the property.

OTHER INFORMATION

No Sheriff or his agent making any such sale shall directly or indirectly purchase any property sold at Sheriff Sale.

If the purchaser of any property sold on such foreclosure shall fail to immediately pay the

purchase price, the Sheriff shall resell the property on the same day without advertisement and if the amount of bid at the first sale shall not equal the amount bid at second sale, the first purchaser shall be liable for the deficiency and damages thereon not exceeding ten percent (10%) and cost to be recovered in the proper court by such Sheriff.

Purchaser is liable for any outstanding taxes owed on the property to the Newton County Treasurer on the date of sale. Purchaser must produce a paid receipt for the outstanding taxes before the Sheriff's Deed will be released.

The Newton County Sheriff's Department is bound by law to follow the restrictions and guidelines set forth to ensure that the Sheriff's Sale is valid. Thank you for inquiring about the Sheriff's Sales. Any questions can be answered Monday – Friday, except holidays, 8:00 am to 4:00pm by calling 219.474.3331.

Newton County Sheriff