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### **Judicial Foreclosure**

The judicial foreclosure process is one in which the lender must file a complaint against the borrower and obtain a decree of sale from a court having jurisdiction in the county where the property is located before foreclosure proceedings can begin. In Beaufort County the Master in Equity oversees these proceedings (The Honorable Marvin H. Dukes, III) Generally, if the court finds the borrower in default, they will give them a set period of time to pay the delinquent amount, plus costs. If the borrower does not pay within the set period of time, the court will then order the property to be sold.

In South Carolina, the property is generally sold in the following manner:

1. A notice of sale, containing a description of the property, the time and place of sale, the borrowers name and the lenders name, must be published at the courthouse door and two other public places at least three weeks prior to the date of sale. The notice must also be published in a newspaper of general circulation within the county where the property resides for the same time period. These notices appear in the "classified" section of the Beaufort Gazette.
2. Unless otherwise ordered by the court, the sale must be conducted at the courthouse where the property is located by the sheriff of said county. The sale must be held on the first Monday in each month, unless it is a holiday and then the sale may take place on the following Tuesday. The sale may begin at 11:00 am and go until 5:00 pm, but the sheriff may close the bidding prior to that time.
3. Despite the fact that the bidding at the public sale has ended, in South Carolina, the auction actually stays open for a full thirty days after the date of the public sale. During this thirty day time period, anyone may place a bid higher than the last bid amount and the successful purchaser will be the one with the highest bid at the end of the thirty days. This ongoing bid process is referred to as upset bidding. Anyone, other than the successful purchaser, who has placed a bid during this time, will be entitled to a refund of any deposit made in good faith and he or she will have no further interest in the property.
4. If no objection to the sale price of the property has been filed with the sheriff's office within three months after the date of sale, the sale will be considered confirmed and the sheriff will make any necessary deed endorsements. Lenders in South Carolina may file for a deficiency judgment against the borrower and borrowers have no rights of redemption.

Judicial Foreclosure Available: **Yes**

Non-Judicial Foreclosure Available: **No**

Primary Security Instrument: **Mortgage**

Timeline: **Varies**

Right of Redemption: **No**

Deficiency Judgments Allowed: **Yes**

In South Carolina, lenders may foreclose on a mortgage in default by using foreclosure process.