

# Title

## FREQUENTLY ASKED ^ QUESTIONS

April 2016

**Q We are being asked to insure a title where there is an active mortgage foreclosure. The final judgment has been entered but the Sheriff's Sale has not yet occurred. Are there any special requirements?**

A Yes.

Include the following requirement in the title commitment:

Proof is required that the Sheriff's Sale has either not been scheduled or if it has that it has been adjourned in accordance with NJSA 2A:17-36.

NJSA 2A:17-36 gives the borrower who is being foreclosed two opportunities to unilaterally adjourn a Sheriff's Sale for 14-days. After the second such adjournment, they must obtain a court order for further adjournments.

When a party seeks or requests an adjournment, the Sheriff issues a notice of adjournment. That document will be acceptable proof. If it is not stated in the notice of adjournment, the Sheriff's office must be called to determine the date to which the sale has been adjourned.

In addition to the foregoing, a copy of the transmittal of the payoff to the lender (if by check) or the wire confirmation (if by wire) should be sent to the foreclosure attorney. The docket number of the foreclosure should be shown on that transmittal.

As always, feel free to address any questions to a member of our underwriting staff.