# Foreclosure Process in New York State

## THE FORECLOSURE PROCESS IN NEW YORK STATE

Borrower Misses Payments

When you owe a payment or a part of a payment, you can be considered "delinquent" on the mortgage.

#### Foreclosure Case Started

Lender files notice of pendency (lis pendens), summons and complaint with the court. Lender then serves you the summons and complaint in person or by mail.

NOTE:\*

This process is

for residential

homes where a

defendant is

living in the

home.

#### 90 Day Pre-foreclosure Notice

Lender must mail you information on getting help at least 90 days before starting a court case. You can avoid a foreclosure case by paying missed payments plus all interest and fees, or by signing an agreement with Lender.

#### **Answer the Complaint**

You must submit an answer if you want to tell the judge your defenses. Your answer deadline is 20 days from when you are served if you are served in person. It is 30 days if you are not served in person.

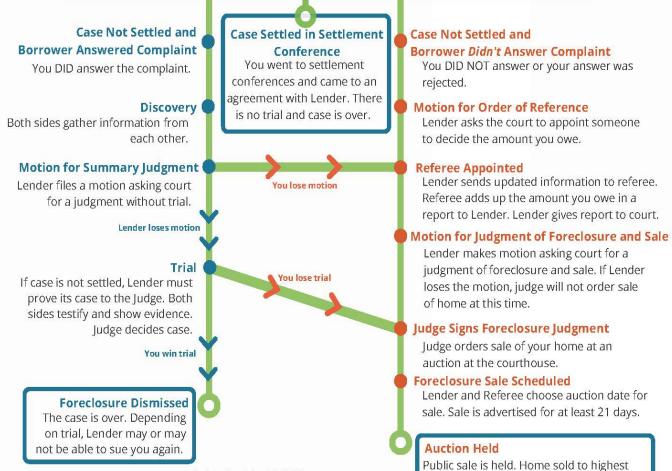
bidder. The sale price may be more (a

surplus) or less (a deficiency) than you owe.

#### Settlement Conference/Second Chance to File Answer

A settlement conference should be scheduled by the court about three months after you are served with the court papers. Both sides come to court to see if they can settle the case. There may be several conferences over many months. If you can't settle the case in settlement conference, or you don't go, move on to the next step.

NOTE: If you go to your settlement conference, you get a second chance to file an answer. Your deadline to answer is **30 days after your first settlement conference.** 





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This document updates and modifies a document from NEDAP (New Economy Project). This document was created with funding support from the New York State Interest on Lawyer Account Fund (IOLA). © 2017 Legal Assistance of Western New York, Inc. ® This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

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