



— FORECLOSURE — NEW JERSEY

New Jersey Foreclosure Survival Guide

Judicial foreclosure, lis pendens, sheriff sales, reinstatement, redemption, mediation, probate overlap, and protecting equity in New Jersey.

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Educational resource for homeowners, heirs, executors and families

Viera Investment Group LLC

SECTION

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Quick Navigation Decision Tree

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If this is your situation	Start here	Also review
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Quick Answer / Executive Summary

New Jersey is a judicial foreclosure state. That means a lender or mortgage servicer cannot simply take a home after a missed payment. To foreclose, the lender must file a lawsuit in the New Jersey Superior Court, Chancery Division, General Equity Part, and move the case through the court system before a county sheriff can sell the property at a sheriff sale. Because the process runs through a court, it has defined stages and deadlines: a missed payment, a Notice of Intention to Foreclose, a complaint and lis pendens filed in court, a period to file an answer, a possible default or final judgment, a writ of execution, and finally a sheriff sale. In New Jersey, the homeowner generally keeps ownership and the right to live in the home throughout this

process, and important options, including reinstatement, redemption, loan modification, mediation, sale, and legal defenses, may remain available at different stages. This guide is for New Jersey homeowners, heirs, executors, administrators, co-owners, and families who need to understand the foreclosure timeline, what each court document means, how to compare options, and how to protect equity. It also covers situations where foreclosure overlaps with probate, reverse mortgages, property taxes, vacant homes, and multiple heirs. After reading, you should understand the major timeline, which documents matter, which offices and professionals to contact, what questions to ask, and how to evaluate options without guesswork.

Did You Know? In New Jersey, a missed mortgage payment does not transfer ownership of your home. Foreclosure is a court case, and the homeowner usually keeps title and the right to remain in the home until a sheriff sale is completed and confirmed.

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Key Definitions

Acceleration: When a lender declares the entire unpaid loan balance due, rather than just the missed payments, after a default. **Administrator:** A person appointed by the county surrogate to handle an estate when there is no valid will or no named executor able to serve. **Answer:** The formal written response a defendant files in court to contest a foreclosure complaint, generally due within 35 days after service in New Jersey. **Chancery Division, General Equity Part:** The part of the New Jersey Superior Court that handles foreclosure cases. **Deed in lieu of foreclosure:** A voluntary transfer of the property to the lender to satisfy the loan and avoid completing the foreclosure, when the lender agrees. **Default:** A failure to meet the loan terms, such as missing payments. In court, a "default" can also mean the defendant did not answer the complaint in time. **Deficiency:** A remaining balance owed if the sale does not cover the full debt. New Jersey limits and regulates deficiency claims, and timelines and defenses apply. **Equity:** The estimated property value minus the mortgage payoff, liens, judgments, taxes, closing costs, and other required payoffs. **Executor:** The person named in a will and authorized through the county surrogate to administer an estate. **Fair Foreclosure Act:** A New Jersey law (N.J.S.A. 2A:50-53 and following) that sets notice and cure protections for residential mortgage foreclosures. **Final judgment:** A court order in a foreclosure case that fixes the amount owed and allows the property to proceed to sheriff sale. **Forbearance:** A temporary pause or reduction of payments agreed to by the servicer, usually

requiring repayment later. **Foreclosure complaint:** The lawsuit document that starts a foreclosure case in court. **Letters Testamentary / Letters of Administration:** Documents from the county surrogate showing who has authority to act for an estate. **Lien:** A legal claim against property that usually must be paid or resolved before clear title can transfer. **Lis pendens:** A "notice of pending litigation" recorded against the property to alert the public that a lawsuit, such as a foreclosure, affects the title. **Loan modification:** A permanent change to loan terms, such as interest rate, term, or balance handling, designed to make payments affordable. **Loss mitigation:** The general category of options a servicer may offer to avoid foreclosure, including modification, forbearance, repayment plans, short sale, and deed in lieu. **Notice of Intention to Foreclose (NOI):** A required pre-foreclosure notice for residential mortgages, generally sent at least 30 days before a foreclosure complaint is filed. **Reinstatement:** Bringing the loan current by paying the past-due amount, fees, and costs, which can stop the foreclosure and restore the original loan. **Redemption:** Paying the full amount required to satisfy the judgment and recover the property. In New Jersey mortgage foreclosure, a short statutory period

after the sheriff sale is often available before the sale is confirmed. Sheriff sale: A public auction conducted by the county sheriff after final judgment and issuance of a writ of execution. Short sale: Selling the property for less than the mortgage balance, with the lender's approval to accept the reduced payoff. Surplus funds: Money left over after a sheriff sale pays the foreclosing lender and certain costs. Remaining funds may belong to junior lienholders and then the former owner or estate, through a court process. Writ of execution: The court order, issued after final judgment, that directs the county sheriff to sell the property.

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Key Takeaways

- New Jersey is a judicial foreclosure state, so foreclosure happens through a Superior Court lawsuit, not automatically after a missed payment.
- Foreclosure has stages, and different options are available at different stages, so identifying the current stage is the first step.
- For most residential mortgages, the lender must send a Notice of Intention to Foreclose before filing, generally at least 30 days in advance.
- A lis pendens is a public notice that a foreclosure lawsuit affects the property; it is not the loss of the home.
- After being served a complaint, a homeowner generally has 35 days to file an answer; missing that deadline can lead to default.
- Reinstatement, paying the past-due amount to bring the loan current, may remain available up to the entry of final judgment under New Jersey law.
- A sheriff sale occurs only after final judgment and a writ of execution, and homeowners often have statutory adjournments and a short post-sale period before the sale is final.
- Loan modification, the Foreclosure Mediation Program, bankruptcy's automatic stay, selling, short sale, and deed in lieu are separate options that may fit different goals.
- Probate, reverse mortgages, property taxes, utility and HOA liens, and vacant-home issues can overlap with foreclosure and need separate confirmation.
- Viera Investment Group LLC can provide property-sale guidance, but legal, court, lender, tax, municipal, title, and counseling advice should come from qualified professionals and official offices.

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Situation Overview

Foreclosure in New Jersey usually begins with a financial change, not a legal one. A job loss, an illness, a death in the family, a divorce, a payment shock after a loan adjusts, an escrow increase, or a vacant inherited property quietly slipping behind. Months can pass before court papers arrive, and many homeowners and heirs do not realize how many options exist, or how the timeline actually works, until they understand the stages. Timing matters because each stage changes the available options. Before a complaint is filed, the focus is often the servicer: reinstatement, repayment plans, forbearance, or modification. After the complaint and lis pendens, court deadlines and the answer period become important, and mediation may be available. After final judgment, attention shifts to the writ of execution, sheriff sale date, adjournments, redemption, and

sale options. After the sheriff sale, the questions become confirmation, surplus funds, possession, and title. The earlier a homeowner or heir engages, the more choices usually remain. New Jersey foreclosure is also a court process with its own vocabulary, much of it unfamiliar. Words like *lis pendens*, Chancery Division, writ of execution, and final judgment can feel intimidating. This guide translates those terms into plain English so a stressed homeowner, heir, executor, or family member can understand what is happening and what to ask. It does not replace an attorney, but it can help readers walk into those conversations prepared.

Did You Know? New Jersey foreclosure cases can take many months or longer because they go through the courts. That extended timeline is not a guarantee of any outcome, but it often means more than one option is still on the table when papers first arrive.

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New Jersey Foreclosure Survival Timeline

Stage	What may be happening	Practical next step
Missed payment(s)	The loan becomes delinquent and late fees may apply	Contact the servicer; request reinstatement and loss-mitigation figures in writing
Default / demand	The servicer may issue default and acceleration notices	Confirm the amount to reinstate and any deadlines
Notice of Intention to Foreclose	Required pre-foreclosure notice, generally 30+ days before filing	Review carefully; explore reinstatement, modification, or sale
Complaint and <i>lis pendens</i> filed	A foreclosure lawsuit is filed in the Chancery Division and recorded against title	Speak with a New Jersey attorney; calendar the answer deadline
Service of Summons and Complaint	The homeowner is formally served the lawsuit	Generally 35 days to file an answer; consider mediation
Answer or default	If no answer is filed, the lender may seek default	Decide whether to contest, cure, sell, or pursue loss mitigation
Final judgment and writ of execution	The court fixes the amount and authorizes a sheriff sale	Confirm payoff and redemption figures; evaluate sale and legal options
Sheriff sale scheduled	The county sheriff sets an auction date	Consider statutory adjournments, redemption, or a sale before the auction
Sheriff sale held	The property is auctioned to the highest bidder	A short post-sale period may apply before the sale is confirmed
Confirmation and post-sale	The sale is confirmed; deed and possession follow	Address surplus funds, possession timing, and title questions

Stage What may be happening Practical next step Missed payment(s) The loan becomes delinquent and late fees may apply Contact the servicer; request reinstatement and loss-mitigation figures in writing Default / demand The servicer may issue default and acceleration notices Confirm the amount to reinstate and any deadlines Notice of Intention to Foreclose Required pre-foreclosure notice, generally 30+ days before filing

Review carefully; explore reinstatement, modification, or sale Complaint and lis pendens filed A foreclosure lawsuit is filed in the Chancery Division and recorded against title Speak with a New Jersey attorney; calendar the answer deadline Service of Summons and Complaint The homeowner is formally served the lawsuit Generally 35 days to file an answer; consider mediation Answer or default If no answer is filed, the lender may seek default Decide whether to contest, cure, sell, or pursue loss mitigation Final judgment and writ of execution The court fixes the amount and authorizes a sheriff sale Confirm payoff and redemption figures; evaluate sale and legal options Sheriff sale scheduled The county sheriff sets an auction date Consider statutory adjournments, redemption, or a sale before the auction Sheriff sale held The property is auctioned to the highest bidder A short post-sale period may apply before the sale is confirmed Confirmation and post-sale The sale is confirmed; deed and possession follow Address surplus funds, possession timing, and title questions The overall path from first missed payment to a completed sheriff sale often takes many months and sometimes longer, but the practical window can feel much shorter once final judgment is entered and a sale date is set. Families should not assume there is unlimited time after court papers arrive, and they should not assume the property is already lost simply because a complaint or judgment exists.

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Decision Tree: Keep, Cure, Sell, Defend, Or Get Professional Help

- Are you behind but no complaint has been filed yet?

Contact the servicer for the reinstatement amount and loss-mitigation options. Compare reinstatement, repayment plan, forbearance, modification, refinance, or sale. Keep written copies.

- Have you been served a Summons and Complaint?

Calendar the answer deadline (generally 35 days) and speak with a New Jersey attorney promptly. Ask whether to contest, request mediation, pursue modification, reinstate, or sell.

- Has final judgment been entered or a sheriff sale scheduled?

Confirm the sale date with the county sheriff, ask about statutory adjournments, and request payoff and redemption figures. Evaluate whether reinstatement (if still available), redemption, a sale, or a legal motion fits your goal and timeline.

- Is the goal to keep the home?

Focus on reinstatement, loan modification, forbearance, repayment plans, mediation, refinance, or, where appropriate, bankruptcy's automatic stay and reorganization options. Confirm eligibility and figures in writing.

- Is keeping the home not realistic, and the goal is to protect equity?

Compare a market sale, a direct sale before the auction, a short sale (if there is little or no equity), or a deed in lieu. Order a title search and confirm every payoff and deadline.

- Is the property inherited or in probate?

Contact the county surrogate and any estate attorney to confirm who has authority to communicate with the servicer, sign documents, or sell. Confirm whether a reverse mortgage or tax lien is also involved.

Did You Know? "Keep the home" and "protect equity" are different goals, and they point to different options. Deciding which goal matters most for your situation makes the rest of the decisions clearer.

CHAPTER1

Understanding Foreclosure In New Jersey

Foreclosure is the legal process a lender uses to recover a property when a mortgage loan is not paid according to its terms. In New Jersey, foreclosure is judicial, which means it must go through the New Jersey Superior Court, Chancery Division, General Equity Part. A lender cannot lawfully seize and sell a home without a court case and a court order. This is an important protection: it creates a defined process, public records, and opportunities to respond. It helps to separate three things that people often blur together:

- The loan default is the financial event: the borrower fell behind on payments or otherwise breached the loan.
- The foreclosure case is the lawsuit the lender files to enforce the mortgage and obtain the right to sell.
- The sheriff sale is the auction that may eventually happen if the case is not otherwise resolved. Mortgage foreclosure is also different from tax sale certificate foreclosure. A mortgage foreclosure is based on a defaulted mortgage loan. A tax sale certificate foreclosure is based on unpaid property taxes or municipal charges that were sold as a lien. Both move through the Superior Court, but they involve different parties, different laws, and different redemption rules. A property can even face more than one at the same time. Chapter 12 covers the tax side and how it connects to the New Jersey Property Tax Survival Guide. Throughout the New Jersey foreclosure process, the homeowner generally keeps title and the right to live in the property. Ownership does not transfer when a payment is missed, when a complaint is filed, or even when final judgment is entered. Ownership changes at the sheriff sale, after the sale is completed and confirmed. Understanding that distinction reduces panic and helps families focus on the options that still exist.

Fictional Educational Scenario: Behind After A Job Loss In Clifton

A homeowner in Clifton falls three months behind after a layoff. No court papers have arrived. The homeowner assumes the bank will "take the house any day now" and stops opening mail out of stress. In reality, the lender has not yet filed anything, and reinstatement and modification options may still be available. The practical first step is to open every notice, call the servicer for the exact reinstatement figure in writing, and ask what loss-mitigation programs apply, before assuming the worst.

Did You Know? Because New Jersey foreclosure is judicial, every foreclosure leaves a court record. That means a homeowner or heir can usually find out exactly what has been filed and what stage the case is in.

CHAPTER2

Pre-Foreclosure And The Notice Of Intention To Foreclose

Pre-foreclosure is the period after a borrower falls behind but before a foreclosure complaint is filed. For most residential mortgages, New Jersey's Fair Foreclosure Act requires the lender to send a Notice of Intention to Foreclose, often called an NOI, generally at least 30 days before filing the complaint. The NOI is an important document because it is designed to give the homeowner a clear, written explanation of the default and how to cure it. A Notice of Intention to Foreclose typically includes information such as:

- The amount needed to cure the default as of a stated date
- The nature of the default
- The right to cure and the deadline to do so
- Contact information for the lender or servicer
- A reference to seeking assistance, such as housing counseling or legal help

The pre-foreclosure period is often the widest window of opportunity. Because no lawsuit has been filed yet, options are usually more flexible:

- Reinstatement by paying the past-due amount, fees, and costs
- Repayment plan to spread missed payments over time
- Forbearance to temporarily pause or reduce payments
- Loan modification to permanently change the loan terms
- Refinance, if a new lender is willing and there is sufficient equity and qualification
- Sale, including a standard sale or, where equity is limited, a short sale

For heirs and executors, the pre-foreclosure stage can be complicated by the fact that mail may go to a deceased owner or a vacant property. Someone should confirm whether an NOI or other notices have been sent and request copies. Servicers often need proof of authority, such as Letters Testamentary or a death certificate, before discussing the loan in detail.

Fictional Educational Scenario: An Noi Arrives In Newark

A homeowner in Newark receives a Notice of Intention to Foreclose listing a cure amount and a 30-day window. Rather than ignoring it, the homeowner calls the servicer, confirms the reinstatement figure in writing, and asks about a loan modification review because income has partly recovered. The homeowner also calls a HUD-approved housing counselor for free guidance. No complaint has been filed yet, so the homeowner has time to compare curing the default with applying for a modification.

Did You Know? The Notice of Intention to Foreclose is a required step for most New Jersey residential mortgages. If you have one, it usually means a complaint has not been filed yet, and the cure window is still open.

CHAPTER 3

The Judicial Foreclosure Process: Lis Pendens, Summons, Complaint, And Answer Deadlines

When pre-foreclosure does not resolve the default, the lender may start the lawsuit. This is where the formal court process and its deadlines begin.

Lis Pendens

A lis pendens is a recorded "notice of pending litigation." When a foreclosure case is filed, the lender records a lis pendens against the property in the county records. It alerts the public, including title companies and potential buyers, that a lawsuit affecting the property is underway. A lis pendens does not transfer ownership and does not mean the home is lost. It does, however, signal that the foreclosure case has begun and that title is clouded until the matter is resolved.

The Foreclosure Complaint

The complaint is the document that formally starts the lawsuit. It is filed in the Superior Court, Chancery Division, General Equity Part. It identifies the lender (plaintiff), the borrower and other interested parties (defendants), the mortgage and note, the alleged default, and the relief requested, which is the right to foreclose and sell. Other parties, such as junior lienholders, an HOA, a second mortgage holder, or the estate of a deceased owner, may also be named.

Summons And Service

Along with the complaint, the homeowner is served a Summons. Service is the formal delivery of the lawsuit. The Summons explains that a response is required and states the time to respond. The date of service starts the clock on the answer deadline, so it is important to note when and how the papers were received.

Answer Deadlines

In New Jersey, a defendant in a foreclosure case generally has 35 days from the date of service to file an answer. An answer is the formal written response that contests the complaint, raises defenses, or disputes the allegations. Readers should confirm the exact deadline shown in their own papers with a New Jersey attorney or court resource, because timing can depend on how and when service occurred. Broadly, a homeowner served with a foreclosure complaint has a few paths:

- File a contesting answer to raise defenses or disputes, often with an attorney's help
- Pursue loss mitigation or mediation while the case proceeds
- Reinstate, sell, or otherwise resolve the default
- Do nothing, which typically allows the lender to seek default

Doing nothing is rarely the best choice, even when keeping the home is not the goal, because responding preserves options and information. Many homeowners qualify for the New Jersey Foreclosure Mediation Program, discussed in Chapter 9, which can run alongside the court case.

Answer Deadline Checklist

- ☐ Locate the Summons and Complaint and all attachments.
- ☐ Record the exact date you were served.
- ☐ Record the court docket number.
- ☐ Identify every named defendant and plaintiff.
- ☐ Confirm the answer deadline with a New Jersey attorney or court resource.
- ☐ Decide whether to contest, pursue mediation, cure, or sell.

- [] Request a current reinstatement and payoff figure from the servicer.
- [] Ask whether you qualify for the Foreclosure Mediation Program.
- [] Gather mortgage, note, deed, and any estate documents.

Did You Know? A lis pendens clouds the title but does not, by itself, take the home. Many properties with a recorded lis pendens are still sold or refinanced before the case concludes, as long as the payoff and timing work.

CHAPTER 4

Default Judgment And Final Judgment

If the homeowner does not file an answer within the allowed time, the lender can ask the court to enter a default. A default means the defendant did not respond, and it allows the case to move forward without a contested hearing. Entry of default is not the same as losing the home, but it does narrow options and shift the case toward judgment. In uncontested New Jersey foreclosures, much of the paperwork is processed through the Office of Foreclosure, a unit that assists the Superior Court with uncontested matters. The lender submits proofs, the amount due is calculated, and the court can enter final judgment. Final judgment fixes the total amount owed, including principal, interest, and allowable costs, and authorizes the next step. After final judgment, the court issues a writ of execution, the order that directs the county sheriff to sell the property. The writ is what allows a sheriff sale to be scheduled. Even at this stage, the homeowner usually retains ownership and possession until the sale is held and confirmed. It is worth emphasizing two points that reduce unnecessary panic:

- Final judgment is not the sheriff sale. It sets the stage for a sale, but the sale must still be scheduled and conducted by the county sheriff.
- Options may still exist after judgment. Redemption, statutory adjournments of the sale, a negotiated payoff, a sale of the property, or, in some cases, a motion to vacate the judgment or a bankruptcy filing may still be relevant. These are time-sensitive and usually require professional guidance.

Fictional Educational Scenario: Judgment Entered In Paterson

A homeowner in Paterson did not answer the complaint, and final judgment was entered. The homeowner assumes nothing can be done. After speaking with a New Jersey attorney, the homeowner learns that a sheriff sale has not yet been scheduled, that statutory adjournments may be available once it is, and that the home has meaningful equity, which makes a sale before the auction worth evaluating. The judgment did not end the homeowner's options; it changed which options applied.

Did You Know? In New Jersey, the entry of final judgment is a milestone, not the finish line. A sheriff sale still has to be scheduled and conducted, and several time-sensitive options can remain.

CHAPTER 5

Sheriff Sale And Adjournments

A sheriff sale is the public auction where the property may be sold to satisfy the judgment. It is conducted by the county sheriff in the county where the property is located, after final judgment and the writ of execution. Sale dates, procedures, deposit requirements, and local practices vary by county sheriff's office, so details should be confirmed with the specific county. A few practical realities about sheriff sales in New Jersey:

- The sale is scheduled by the sheriff after receiving the writ of execution, often weeks after final judgment.
- The foreclosing lender frequently bids the amount it is owed (a "credit bid"), and third-party investors may also bid.
- A deposit is typically required from the winning bidder, with the balance due within a set period.
- The homeowner usually still owns and occupies the property until the sale is completed and confirmed.

Adjournments

New Jersey law generally allows a homeowner to request adjournments (postponements) of the sheriff sale. Commonly, a homeowner may request two adjournments, and a lender or the court may grant additional postponements in some circumstances. Adjournments can provide time to finalize a reinstatement, complete a modification, close a sale, or pursue legal options. The exact number, length, and procedure should be confirmed with the county sheriff's office and, ideally, an attorney, because details and local practices vary.

Redemption Around The Sale

New Jersey also recognizes a homeowner's right to redeem, that is, to pay the judgment amount and stop the loss of the property, up to and shortly after the sale. There is typically a brief statutory period after the sheriff sale before the sale is confirmed and the deed delivered. During that window, redemption may still be possible. Because these timeframes are short and strictly applied, anyone considering redemption should confirm the exact deadline and figures immediately with the court and an attorney.

Sheriff Sale Worksheet

Property address:	_____		County:	_____	
County	sheriff	phone/website:	_____	Docket number:	_____
Scheduled sale date:			_____		
adjournments	used:	_____	Adjournment request	deadline:	_____
Reinstatement amount			(if available):	_____	
Full payoff / judgment amount: _____					
Redemption deadline after sale:	_____		Attorney contact:	_____	
Decision: reinstate / redeem / sell / adjourn / legal motion: _____					

Did You Know? A scheduled sheriff sale can often be adjourned, and a brief redemption window typically follows the sale itself. A sale date is a serious deadline, but it is not always the absolute end of every option.

CHAPTER 6

What Happens After The Sheriff Sale

The period after the sheriff sale is widely misunderstood. The auction is significant, but several things still happen before ownership fully transfers and the matter closes. Confirmation and the deed. After the sale, there is typically a short period before the sale is finalized and the sheriff's deed is delivered to the buyer. During this window, a homeowner may be able to redeem by paying the required amount, or may object to the sale on limited grounds. Once the sale is confirmed and the deed is delivered, ownership transfers to the buyer, which may be the foreclosing lender or a third party. Surplus funds. If the property sells for more than the judgment amount and certain costs, the extra money is called surplus funds. Surplus funds do not simply go to the lender. After any junior lienholders are addressed through the proper process, remaining surplus may belong to the former owner or the estate. Claiming surplus funds generally requires a motion or application to the court, and there are deadlines and procedures. This is an important point for families: meaningful equity is not automatically lost at a sheriff sale, but

recovering surplus requires action. Possession. The new owner generally has the right to possession after confirmation, but obtaining possession from occupants typically requires a separate legal process, such as obtaining a writ of possession and involving the sheriff. Timelines apply, and occupants should seek guidance about their rights and any relocation considerations. Deficiency. If the sale does not cover the full debt, the lender may, in limited circumstances and within strict timeframes, pursue a deficiency. New Jersey law regulates deficiency actions, and defenses such as the fair market value of the property may apply. Anyone facing a deficiency claim should consult an attorney.

After The Sale Checklist

- ☐ Confirm the sale date and whether the sale was completed.
- ☐ Confirm the post-sale redemption or objection deadline.
- ☐ Ask whether the sale produced surplus funds.
- ☐ Identify the process and deadline to claim surplus funds.
- ☐ Confirm whether a deficiency claim is possible.
- ☐ Understand possession timing and any required notices.
- ☐ Speak with a New Jersey attorney about post-sale rights.

Did You Know? If a home sells at a sheriff sale for more than the debt, the leftover

"surplus funds" may belong to the former owner or estate, but they usually must be claimed through the court rather than received automatically.

CHAPTER 7

Reinstatement And Redemption Rights

Reinstatement and redemption are two of the most important homeowner rights in New Jersey foreclosure, and they are often confused.

Reinstatement

Reinstatement means bringing the loan current by paying the past-due amount, plus allowable fees and costs, rather than the entire loan balance. Reinstatement restores the original loan as if the default had not

occurred. Under New Jersey's Fair Foreclosure Act, residential borrowers generally have the right to reinstate up to the entry of final judgment, and sometimes a servicer will accept reinstatement after that point as a matter of policy. Key points about reinstatement:

- It cures the default without requiring full payoff.
- The figure changes over time as fees and costs accrue, so request it in writing with a good-through date.
- It is often the most affordable way to keep a home when the borrower can cover the arrears.

Redemption

Redemption means paying the full amount required to satisfy the judgment and recover the property, rather than just the arrears. In New Jersey mortgage foreclosure, redemption is most relevant near and shortly after the sheriff sale, during the brief statutory period before the sale is confirmed. Because the redemption amount is the full payoff and the window is short, redemption often involves refinancing, a sale, family funds, or other lump-sum resources. A simple way to remember the difference:

- Reinstatement = pay what is overdue to get back on track (available earlier, up to final judgment).
- Redemption = pay the full amount to reclaim the property (relevant near and just after the sale).

Fictional Educational Scenario: Reinstating Before Judgment In Edison

A homeowner in Edison fell behind during a medical leave but has now returned to work and saved most of the arrears. Because final judgment has not been entered, the homeowner requests a written reinstatement figure from the servicer, confirms the good-through date, and pays the past-due amount with certified funds. The loan returns to normal. Reinstatement, not full payoff, solved the problem because the homeowner acted before judgment.

Did You Know? Reinstatement and redemption are not the same. Reinstatement is paying the overdue amount to cure the default, usually available up to final judgment. Redemption is paying the full amount to reclaim the property, usually relevant around the sheriff sale.

CHAPTER 8

Loan Modification And Loss Mitigation

Loss mitigation is the umbrella term for the options a servicer may offer to avoid foreclosure. These programs are separate from the court process and can sometimes run alongside it. The most common options include:

- Loan modification: a permanent change to the loan terms, which may adjust the interest rate, extend the term, or handle past-due amounts, to make the monthly payment affordable.
- Repayment plan: spreading the past-due amount over several months in addition to regular payments.
- Forbearance: a temporary reduction or pause in payments, usually with a plan to repay or modify afterward.
- Refinance: replacing the existing loan with a new one, which depends on equity, credit, and qualification. To review most loss-mitigation options, a servicer typically requests a package of documents: income verification, a hardship explanation, bank statements, tax returns, and a budget. For estates, the servicer

usually needs proof of authority, such as Letters Testamentary or Letters of Administration, and a death certificate, before discussing the loan in detail with heirs. A few practical realities help set expectations:

- Applying for a modification is not a guarantee of approval, and timelines vary.
- Submitting a complete package promptly, and keeping copies, reduces delays and lost-paperwork problems.
- Loss mitigation can sometimes continue while a foreclosure case is pending, but it does not automatically stop court deadlines. Confirm in writing how an application affects any sale date.
- A HUD-approved housing counselor can help homeowners understand and pursue these options at no cost.

Fictional Educational Scenario: Modification Review In Toms River

A homeowner in Toms River faces a permanent income reduction and cannot afford the original payment, but can afford a lower one. The homeowner applies for a loan modification, submits a complete document package, and keeps written confirmation of receipt. While the review proceeds, the homeowner tracks the foreclosure case deadlines separately, understanding that the modification request does not automatically pause the court timeline. The homeowner also asks whether mediation is available to discuss the modification with the lender.

Did You Know? Applying for a loan modification does not automatically stop a foreclosure case or a sheriff sale. Always confirm in writing how an application affects court and sale deadlines.

CHAPTER 9

The New Jersey Foreclosure Mediation Program

New Jersey offers a Foreclosure Mediation Program for eligible homeowners, generally those facing foreclosure on an owner-occupied residential property. Mediation provides a structured setting where the homeowner, the lender or servicer, a neutral mediator, and often a housing counselor or attorney can discuss alternatives to foreclosure, such as a loan modification or another resolution. Helpful points about mediation:

- It is designed to facilitate communication and explore alternatives, not to decide the case.
- It can run alongside the court process after a complaint is filed.
- Housing counseling and, in some cases, legal assistance may be available to support the homeowner through the program.
- Participating in mediation does not require giving up the right to contest the case or pursue other options. Mediation can be especially useful when a homeowner believes a modification is possible but has struggled to get a clear response from the servicer. The neutral setting and the involvement of a housing counselor can help organize documents and keep the conversation moving. Eligibility, timing, and procedures should be confirmed through the New Jersey Courts and a housing counselor or attorney.

Did You Know? New Jersey's Foreclosure Mediation Program can bring the homeowner, the lender, a mediator, and a housing counselor to the same table to discuss alternatives, often while the court case is still pending.

CHAPTER10

How Bankruptcy Interacts With Foreclosure

Bankruptcy is a federal legal process that can intersect with a New Jersey foreclosure, and it is one of several options a homeowner or heir may encounter. It is a significant legal decision that should be discussed with a qualified bankruptcy attorney, but understanding the basics helps readers know when to ask about it. The automatic stay. Filing for bankruptcy generally triggers an automatic stay, a court order that temporarily pauses most collection activity, including foreclosure and a scheduled sheriff sale. The stay can provide breathing room, but it is not permanent and can be lifted in certain circumstances. Chapter 13. A Chapter 13 reorganization allows an individual with regular income to propose a court-approved plan to repay arrears over time, often three to five years, while staying current on ongoing payments. For some homeowners with steady income, Chapter 13 is a recognized way to cure a mortgage default and keep the home. Chapter 7. A Chapter 7 is a liquidation process. It may discharge certain personal liability, but it does not, by itself, eliminate a mortgage lien on the property. It can affect the timing of foreclosure and any deficiency exposure. Whether it helps a homeowner keep a home depends on the specific facts. Bankruptcy is not the right answer for everyone, and it has long-term consequences. It is mentioned here as part of the full range of options so that homeowners and heirs know to raise it with an attorney, especially when a sheriff sale is approaching and other options have not resolved the default. It interacts with everything else in this guide, reinstatement, modification, sale, and probate, so coordinated legal advice matters.

Did You Know? Filing bankruptcy can trigger an automatic stay that temporarily pauses a foreclosure or sheriff sale, but it is a major legal decision with lasting effects and should be evaluated with a qualified bankruptcy attorney.

CHAPTER11

Selling Before Foreclosure, Short Sale, And Deed In Lieu

For many homeowners and heirs, selling the property is a practical way to resolve a foreclosure and protect equity, especially when keeping the home is not realistic. New Jersey's judicial timeline often leaves room to sell before a sheriff sale, provided the payoff, title, authority, and timing align.

Selling Before Foreclosure (Standard Sale)

If the property has equity, a standard sale before the sheriff sale can pay off the mortgage, liens, taxes, and costs, with remaining proceeds going to the owner or estate. The mortgage arrears do not usually need to be paid out of pocket first; they are typically satisfied from the sale proceeds at closing. A sale before judgment

is usually simpler than one squeezed against a sale date, so earlier evaluation helps. A title search and written payoffs are essential to estimate net equity accurately.

Short Sale Overview

A short sale is selling the property for less than the mortgage balance, with the lender's approval to accept the reduced payoff. It is relevant when there is little or no equity. Short sales require lender cooperation, a hardship explanation, and documentation, and they take time. The lender may or may not waive any remaining balance, so the treatment of a potential deficiency should be confirmed in writing. A short sale can sometimes avoid a completed foreclosure, but it depends heavily on lender approval and timing.

Deed In Lieu Of Foreclosure Overview

A deed in lieu of foreclosure is a voluntary transfer of the property to the lender to satisfy the loan and avoid completing the foreclosure, when the lender agrees. It is generally considered when there is little or no equity, no other liens that complicate title, and the homeowner wants a cleaner exit than a contested sale. Like a short sale, it requires lender approval, and the treatment of any remaining balance should be confirmed in writing. A deed in lieu is usually not appropriate when the property has significant equity, because a sale would typically preserve that value for the owner or estate.

Choosing Among Options

- Significant equity: a standard sale before the sale date usually preserves the most value.
- Little or no equity, lender cooperation: a short sale or deed in lieu may provide an orderly exit.
- Want to keep the home: focus on reinstatement, modification, mediation, or, where appropriate, bankruptcy, rather than a sale.

Equity Preservation Worksheet

Estimated	property	value:				Mortgage	payoff:
			Second	mortgage	/	HELOC	payoff:
			Foreclosure	judgment	amount	(if	entered):
Delinquent property taxes:						Tax	
sale certificate redemption (if any):				Water/sewer/municipal	liens:		
	HOA liens or dues:			Other liens			
or judgments:				Estimated	closing	costs:	
Repairs needed for retail sale:							
Estimated net equity before sale date:						Sheriff sale date / key deadline:	
Professional review needed:							

Fictional Educational Scenario: Selling Before The Sale Date In Hackensack

A family in Hackensack inherits a home with a mortgage in foreclosure and meaningful equity. Final judgment has been entered, but a sheriff sale has not yet occurred. The executor obtains Letters Testamentary, orders a title search, requests a written payoff, and lists the property, while requesting an adjournment of the sale to allow time to close. The sale pays the mortgage, liens, and costs, and the remaining proceeds pass to the estate, preserving equity that a completed foreclosure might have put at risk.

Did You Know? A short sale and a deed in lieu both involve little-or-no-equity situations and require lender approval. When a property has real equity, a normal sale usually protects that value better than either option.

CHAPTER12

Property Taxes, Tax Sale Certificates, And Foreclosure

Property taxes and mortgage foreclosure are separate problems that can occur at the same time. In New Jersey, unpaid property taxes and certain municipal charges can be sold as a tax sale certificate, and an unredeemed certificate can lead to a separate tax sale certificate foreclosure, distinct from a mortgage foreclosure. Key points where the two intersect:

- A homeowner can face a mortgage foreclosure and a tax sale certificate issue simultaneously, with different parties and rules for each.
- If a mortgage has an escrow account, the servicer may pay taxes from escrow, but many delinquencies occur when there is no escrow, the escrow has a shortfall, the loan is in default, or the owner has died.
- Redeeming a tax sale certificate clears that municipal lien, but it does not cure a separate mortgage default, and vice versa.
- At a sale or refinance, both the mortgage payoff and any tax or municipal liens must be addressed for clear title. Because the tax side has its own detailed process, redemption rules, and timelines, it is covered comprehensively in the New Jersey Property Tax Survival Guide (Guide #1). If property taxes, a tax sale certificate, or municipal liens are part of the situation, that guide is the companion resource to this one. For an article-level overview of how a tax sale certificate can lead to foreclosure, the website resource on tax sale certificate foreclosure is a helpful next read.

Did You Know? Paying off or reinstating a mortgage does not erase delinquent property taxes, and redeeming a tax sale certificate does not cure a mortgage default. They are separate liens that each need to be resolved.

CHAPTER13

Foreclosure During Probate, Executor Responsibilities, And Inherited Homes

When an owner dies and the property has a mortgage, foreclosure risk does not pause for grief or probate. Mortgage payments, taxes, insurance, and utility charges continue, and a loan can fall into default while the family is still organizing the estate. Inherited homes are especially vulnerable because no one may be clearly responsible for the bills, and mail may go to a deceased owner or a vacant property.

Executor And Administrator Responsibilities

An estate generally needs authority from the county surrogate before someone can fully act for the property. That authority is usually Letters Testamentary (when there is a will

naming an executor) or Letters of Administration (when there is no will or no available executor). With that authority, the executor or administrator can typically:

- Communicate with the mortgage servicer and request the loan status, reinstatement figure, and payoff
- Apply for loss mitigation on behalf of the estate, where allowed
- List and sell the property, subject to estate and title rules
- Address taxes, insurance, and liens to protect estate value

Being a child, sibling, or beneficiary does not, by itself, give legal authority to sign a deed or loan documents. Confirming who holds authority is often the first practical step.

Inherited Homes Facing Foreclosure

Heirs handling an inherited home in foreclosure should focus on a few early actions: confirm the loan status and whether any notices or a complaint have been filed, confirm estate authority through the surrogate, secure and insure the property, and request written figures from the servicer. From there, the estate can compare keeping the home (reinstatement, modification, refinance by a qualifying heir) with selling to preserve equity. Estates also frequently involve creditor claims, debts, and competing priorities. The interaction of mortgage debt with other estate obligations is covered in the Estate Debt & Creditor Claims resource, and broader executor duties are covered in the Executor Issues resource. For families just beginning the process after a death, the What To Do After Someone Dies in New Jersey resource provides an orientation, and the surrogate-related steps connect to New Jersey's Surrogate's Courts.

Estate Authority Worksheet

Owner of record: _____ Date of death: _____
 County surrogate: _____ Will located? Yes / No / Unsure Executor named: _____
 Administrator needed? Yes / No / Unsure Letters issued? Yes / No /
 Pending All heirs identified? Yes / No / Unsure Estate attorney: _____
 Mortgage servicer notified of death and authority? Yes / No Reverse mortgage involved? Yes / No / Unsure
 Foreclosure complaint filed? Yes / No / Unsure Property taxes current? Yes / No / Unsure

Did You Know? Probate does not pause a mortgage. Taxes, insurance, and loan payments continue after death, so someone should confirm the loan status early, even before estate authority is fully resolved.

CHAPTER 14

Reverse Mortgage Foreclosure

A reverse mortgage, often a Home Equity Conversion Mortgage (HECM), works differently from a traditional mortgage, and it creates its own foreclosure timeline, especially after the borrower's death. Reverse mortgages generally become due and payable when the last surviving borrower passes away, moves out permanently, or fails to meet loan obligations such as paying property taxes and insurance or maintaining the home. For heirs, several points are important:

- After the borrower dies, the servicer typically sends a due-and-payable notice, and the estate or heirs are usually given a timeframe to repay, sell, or otherwise resolve the loan.
- Reverse mortgages are generally non-recourse, which often means heirs are not personally liable beyond the property, and for a HECM, heirs may be able to satisfy the loan by paying the lesser of the balance or a percentage of the appraised value when keeping the home.
- Heirs typically need to communicate with the servicer and provide documentation, and they should request written timelines, payoff figures, and any available extensions.
- If the loan is not resolved within the allowed timeframe, the servicer may pursue foreclosure, which proceeds through the New Jersey courts. Because reverse mortgage foreclosure has its own rules, notices, and deadlines, it is covered in depth in the New Jersey Reverse Mortgage After Death Guide. If a reverse mortgage is involved, that guide and the related website resources on reverse mortgage foreclosure and timelines are the companion materials to this chapter. Heirs should not ignore reverse mortgage notices, because the timelines, while sometimes flexible, are real.

Reverse Mortgage Worksheet

Borrower name: _____ Date of death / trigger event: _____

_____ Servicer name and contact: _____

Due-and-payable notice received? Yes / No Stated deadline to repay or sell: _____

_____ Estimated loan payoff: _____

Estimated property value: _____ Non-recourse / 95% option discussed? Yes / No

Estate authority confirmed? Yes / No Decision: keep / sell / deed in lieu / payoff: _____

Did You Know? Most reverse mortgages are non-recourse, which often means heirs are not personally on the hook beyond the property. Even so, the due-and-payable timeline still matters, and ignoring notices can lead to foreclosure.

CHAPTER 15

Multi-Heir Foreclosure Situations

When more than one heir inherits a property facing foreclosure, decisions can stall exactly when time matters. Multiple owners may disagree about whether to keep or sell, who should pay the mortgage and carrying costs, and who has authority to act. Meanwhile, the loan continues toward default, and the foreclosure timeline keeps moving. Common multi-heir challenges include:

- Disagreement about keeping versus selling the property
- Uncertainty about who has authority to communicate with the servicer or sign documents
- One heir living in the home while others want it sold
- Unequal willingness or ability to contribute to arrears, taxes, or repairs
- Difficulty locating or reaching all heirs

A few practical principles help:

- Confirm authority first. Estate authority through the surrogate usually determines who can act. Co-owners on the deed may each have rights that affect a sale.
- Get the facts in writing. A loan status, reinstatement figure, payoff, and title search give the whole family the same accurate picture.
- Separate the goal from the disagreement. Reinstatement, modification, refinance by one heir, or a sale that divides proceeds each address different goals.
- Use professional guidance for disputes. When heirs cannot agree, a probate attorney, and in some cases a court process such as a partition action, may be necessary. Heir disputes are detailed in the Multi-Heir Property Disputes resource, which pairs with this chapter when ownership disagreements complicate a foreclosure. The goal is to keep the disagreement from running out the clock on options that would benefit everyone.

Fictional Educational Scenario: Three Heirs, One Mortgage In Trenton

Three siblings inherit a Trenton home with a mortgage that is months behind. One wants to keep it, one wants to sell, and one is hard to reach. The estate obtains Letters of Administration, the administrator requests the reinstatement and payoff figures in writing, and the family orders a title search. With the facts in front of them, the siblings compare one heir refinancing to buy out the others against a sale that divides the proceeds, and they request a mediation or adjournment to preserve time while deciding.

Did You Know? In multi-heir foreclosures, indecision is itself a decision. While heirs debate, the foreclosure timeline continues, so confirming authority and figures early protects everyone's share.

CHAPTER 16

Vacant Homes, Utility Liens, Hoa Liens, And Municipal Liens

Vacant and inherited properties carry extra foreclosure-related risks beyond the mortgage itself. When no one lives in the home, problems can accumulate quietly: unpaid utilities, code violations, deferred maintenance, insurance lapses, and liens that surface only during a title search. Vacant homes. A vacant property may be subject to vacant-property registration requirements, may face code enforcement, and is more exposed to deterioration, vandalism, or unauthorized occupants. Lenders may also inspect and "secure" a property they believe is abandoned. Keeping the home insured, maintained, and registered where required helps protect its value during a foreclosure or estate process. Utility liens. Unpaid water, sewer, and certain utility charges can become municipal liens in New Jersey and may attach to the property, affecting title and closing. Vacant homes can accumulate minimum charges even when no one is using the utilities. These balances are often discovered late, so they should be confirmed in writing early. HOA liens. If the property is in a community association, unpaid HOA or condominium dues and assessments can become liens. In some circumstances, an association may pursue its own collection or foreclosure action, separate from the mortgage. HOA balances should be confirmed and factored into any payoff or sale. Municipal liens. Beyond utilities, municipal charges such as assessments, code-related charges, and other certified amounts can become liens. A municipal lien search, alongside a title search, helps map every balance that must be addressed for a clean sale or refinance. The practical response is to map every lien, not just the mortgage. Utility and lien issues for

vacant and inherited properties are covered further in the website resources on utility liens and pre-foreclosure liens, which complement this chapter.

Vacant Property And Lien Checklist

- ☐ Confirm the property is insured and the policy reflects vacancy.
- ☐ Confirm vacant-property registration requirements, if any.
- ☐ Confirm the mortgage status and any foreclosure filings.
- ☐ Request water and sewer balances in writing.
- ☐ Request any other utility authority balances.
- ☐ Confirm HOA or condominium dues and any liens.
- ☐ Order a municipal lien search.
- ☐ Order a title search to surface judgments and liens.
- ☐ Confirm property tax status and any tax sale certificate.
- ☐ Secure the property against damage or unauthorized entry.

Did You Know? A vacant home can quietly build up utility, HOA, and municipal liens that do not look like a mortgage problem but can still cloud title and reduce equity at closing.

CHAPTER 17

Avoiding Foreclosure Scams

Homeowners and heirs facing foreclosure are frequently targeted by scams. Because foreclosure filings are public, bad actors can identify distressed owners and make offers that sound helpful but are designed to take money, equity, or the home. Awareness is the best protection. Common warning signs of a foreclosure-related scam:

- Upfront fees for a "rescue" or to "guarantee" stopping foreclosure. Legitimate housing counseling through HUD-approved agencies is free, and guarantees to stop foreclosure are a red flag.
- Pressure to sign documents quickly or to sign documents you do not understand.
- Requests to sign over the deed in exchange for staying in the home as a renter, sometimes called "sale-leaseback" schemes.
- Instructions to stop talking to your lender or to send mortgage payments to a third party instead of the servicer.
- Promises that sound too good to be true, such as erasing the loan or "government programs" that require a fee. Protective steps:
- Verify any company or person, and be cautious with unsolicited offers.
- Use HUD-approved housing counselors and licensed New Jersey attorneys.
- Never sign a deed or document you do not fully understand; have an attorney review it.
- Confirm payoff and program information directly with the servicer and official agencies.
- Keep written records of all communications.

Working with reputable professionals, including a licensed attorney, a HUD-approved counselor, a title company, and an established local company, helps homeowners and heirs avoid these traps while they evaluate legitimate options.

Did You Know? Legitimate foreclosure help, such as HUD-approved housing counseling, does not require large upfront fees, and no honest party can "guarantee" stopping a foreclosure. Upfront-fee guarantees are a classic warning sign.

CHAPTER 18

County And Geographic Considerations

New Jersey's foreclosure framework is statewide, but practical details, especially sheriff sale scheduling and procedures, vary by county sheriff's office. Sale dates, adjournment logistics, deposit requirements, and local timing can differ, so confirm specifics with the county where the property is located. Examples of local considerations:

- Passaic County municipalities such as Paterson, Passaic, Clifton, and Wayne may involve separate water or sewer balances that need confirmation alongside the mortgage.

- Essex County municipalities such as Newark, East Orange, Irvington, Montclair, and

Bloomfield can involve active investor bidding at sheriff sales and significant lien histories.

- Bergen County municipalities such as Hackensack, Teaneck, Fort Lee, Englewood, and Paramus often involve meaningful equity, making early payoff and sale analysis important.

- Hudson County municipalities such as Jersey City, Hoboken, Bayonne, Union City, and North

Bergen can move quickly and require careful coordination of title and timing.

- Middlesex, Monmouth, Ocean, Union, Morris, Somerset, Camden, and Mercer counties follow the same statewide rules, but sheriff sale calendars and local procedures must be confirmed locally. The website's county pages provide additional New Jersey context, and they complement this guide for readers focused on a specific area. No county note replaces a written payoff, a confirmed sale date from the county sheriff, a title search, a court docket review, or legal advice.

Did You Know? Sheriff sales are run by each county sheriff, so the exact scheduling and adjournment process can differ from county to county even though the underlying foreclosure law is statewide.

SECTION

Educational Scenario Examples

Scenario 1: Behind Before Any Court Filing

A homeowner in Elizabeth misses three payments after reduced hours. No complaint has been filed. The homeowner contacts the servicer, confirms the reinstatement figure in writing, asks about a repayment plan

and modification, and calls a HUD-approved housing counselor. Because the case is still in pre-foreclosure, the options are broader and the homeowner has time to choose.

Scenario 2: Served With A Complaint

An owner in Woodbridge is served a Summons and Complaint. The owner records the service date, calendars the 35-day answer deadline, and meets with a New Jersey attorney. They decide to request mediation while pursuing a loan modification, and they keep the option of selling open in case the modification is denied.

Scenario 3: Final Judgment, Equity Present

A family in Morristown discovers a final judgment on an inherited home with substantial equity. A sheriff sale has not been scheduled. The executor obtains Letters Testamentary, orders a title search, and lists the property, requesting an adjournment if needed to close the sale and preserve the estate's equity.

Scenario 4: Sheriff Sale Approaching

A homeowner in Camden has a sheriff sale scheduled in three weeks. The homeowner confirms the sale date with the county sheriff, requests a statutory adjournment to finalize a pending refinance, and confirms the redemption figure in case the refinance closes just after the sale window. An attorney coordinates the timing.

Scenario 5: Reverse Mortgage After Death

Two siblings inherit a shore home with a reverse mortgage. A due-and-payable notice arrives. They contact the servicer, confirm the payoff and the non-recourse options in writing, obtain estate authority, and compare paying off the loan to keep the home against selling to capture the remaining equity, using the Reverse Mortgage After Death Guide for the detailed steps.

SECTION

Common Mistakes

- Assuming a missed payment means the home is already lost.

In New Jersey, foreclosure is a court process with stages; ownership does not transfer at the first missed payment.

- Ignoring mail and court papers.

Notices and the Summons and Complaint contain deadlines, such as the 35-day answer period, that protect important rights.

- Confusing reinstatement with redemption.

Reinstatement cures the default by paying arrears (often up to final judgment); redemption pays the full amount and is most relevant near the sheriff sale.

- Believing final judgment is the end.

A sheriff sale still must be scheduled and conducted, and adjournments, redemption, sale, and legal options may remain.

- Letting probate stall a foreclosure response.

Mortgage, tax, and insurance obligations continue after death; someone should confirm the loan status early.

- Assuming a loan modification stops the sale automatically.

It usually does not; confirm in writing how an application affects court and sale deadlines.

- Overlooking utility, HOA, and municipal liens.

These can cloud title and reduce equity even when the mortgage is the main concern.

- Estimating equity without a title search.

Second mortgages, judgments, taxes, and liens can materially change net proceeds.

- Treating a short sale or deed in lieu as the default choice.

When there is real equity, a standard sale usually preserves more value.

- Paying upfront fees for "rescue" guarantees.

Legitimate counseling is free, and no one can honestly guarantee stopping a foreclosure.

- Multiple heirs delaying decisions.

Indecision lets the timeline run; confirm authority and figures early.

- Assuming all heirs can sign.

Estate authority and title ownership must be confirmed before a sale or loan action.

- Ignoring a reverse mortgage due-and-payable notice.

The non-recourse feature helps, but the timeline still matters.

- Using one county's process as a statewide rule.

Sheriff sale scheduling and adjournment logistics vary by county.

SECTION

Documents You May Need

- ☐ Mortgage statement and loan number
- ☐ Promissory note and mortgage (recorded copy)
- ☐ Notice of Intention to Foreclose (NOI)
- ☐ Default, demand, or acceleration letters
- ☐ Summons and Complaint
- ☐ Lis pendens (recorded notice)
- ☐ Any court orders, default papers, or final judgment
- ☐ Writ of execution and sheriff sale notice
- ☐ Reinstatement and payoff statements
- ☐ Loss-mitigation or modification correspondence
- ☐ Deed
- ☐ Title report or title commitment

- ☐ Property tax bills and any tax sale certificate notices
- ☐ Water, sewer, and utility balances
- ☐ HOA or condominium statements and any lien notices
- ☐ Homeowners insurance policy
- ☐ Death certificate, if the owner passed away
- ☐ Will, if any
- ☐ Letters Testamentary or Letters of Administration
- ☐ Reverse mortgage statements and due-and-payable notice, if applicable
- ☐ Prior correspondence with the servicer, court, municipality, or HOA

SECTION

Who To Contact First

The right first contact depends on the stage: Situation First contact Why Behind, no complaint filed Mortgage servicer + HUD-approved counselor Confirms reinstatement and loss-mitigation options Notice of Intention to Foreclose received Mortgage servicer + housing counselor Confirms the

cure amount and the window before filing Served a Summons and Complaint New Jersey attorney Reviews the answer deadline and defenses Want help negotiating with the lender Foreclosure Mediation Program / counselor Provides a structured setting to discuss alternatives Final judgment or sheriff sale scheduled New Jersey attorney + county sheriff Confirms sale date, adjournments, redemption, and options Owner has died County surrogate / probate attorney Confirms estate authority to act Reverse mortgage involved Reverse mortgage servicer + attorney Confirms due-and-payable timeline and payoff options Property taxes or municipal liens owed Municipal tax collector Confirms balances and any tax sale certificate Considering a sale Title company / closing attorney Confirms liens, payoffs, and closing requirements Unsure whether a sale is practical Viera Investment Group LLC Provides property-sale guidance and helps identify questions to ask professionals Viera Investment Group LLC does not replace legal, tax, court, lender, municipal, title, or counseling guidance. Its role is limited to educational property-sale guidance where a sale is being considered.

SECTION

Professional Questions To Ask

Questions For The Mortgage Servicer

- What is the exact amount to reinstate the loan, and through what date?
- What is the full payoff amount, and through what date?
- Is the loan currently in default, and has a complaint been filed?
- What loss-mitigation options am I eligible for?
- What documents are needed for a modification review?
- How does applying for a modification affect any sale date?

- For an estate, what proof of authority is required to discuss the loan?

Questions For A New Jersey Attorney

- What stage is the foreclosure case in, and what deadlines apply now?
- Has an answer been filed or default been entered?
- Do I have defenses worth raising in an answer?
- Is the Foreclosure Mediation Program available to me?
- After judgment, what options remain, including adjournment and redemption?
- Could bankruptcy's automatic stay help in my situation, and at what cost?
- If there is a deficiency or surplus, how is it handled?

Questions For The County Sheriff'S Office

- Is a sheriff sale scheduled, and on what date?
- How many adjournments are available, and how do I request one?
- What are the deposit and payment requirements at the sale?
- How and when is the sale confirmed after the auction?

Questions For The County Surrogate Or Probate Attorney

- Has an executor or administrator been appointed?
- What documents are needed to obtain Letters?
- Who can communicate with the servicer or sign sale documents?
- How should estate funds be used for arrears, taxes, or payoff?
- What happens if heirs disagree about keeping or selling?

Questions For A Title Company Or Closing Attorney

- What liens and judgments appear on title?
- What payoffs are required to close, and through what dates?
- Are utility, HOA, municipal, or tax liens present?
- Are the estate documents sufficient to convey title?
- What could delay closing before a sale date?

Questions For A Reverse Mortgage Servicer

- When did the loan become due and payable, and what is the deadline?
- What is the payoff, and what non-recourse options apply?
- What documentation is needed from the heirs or estate?
- Are extensions available while the estate is organized?

Questions For Family Members Or Co-Owners

- Does the family want to keep, sell, or evaluate both options?
- Who is gathering loan, title, tax, and estate documents?
- Who has legal authority to act?

- Is anyone willing and able to fund reinstatement or payoff?
- What deadline controls the decision?

SECTION

Official New Jersey And Federal Resources

Official resources should be verified before final PDF publication. Recommended resources include:

- New Jersey Courts Foreclosure Self-Help Center: <https://www.njcourts.gov/self-help/foreclosure>
- New Jersey Courts Foreclosure Mediation information: <https://www.njcourts.gov/self-help/foreclosure>
- New Jersey Courts general self-help resources: <https://www.njcourts.gov/self-help>
- New Jersey County Surrogates directory: <https://www.njcourts.gov/courts/surrogates>
- New Jersey statutes (for the Fair Foreclosure Act, N.J.S.A. 2A:50-53 and following):
<https://www.njleg.state.nj.us/>
- New Jersey Housing and Mortgage Finance Agency (foreclosure and homeowner assistance):
<https://www.njhousing.gov/>
- New Jersey Department of Banking and Insurance: <https://www.nj.gov/dobi/>
- HUD-approved housing counseling: <https://www.hud.gov/counseling>
- Consumer Financial Protection Bureau mortgage and foreclosure help:
<https://www.consumerfinance.gov/consumer-tools/mortgages/>
- Legal Services of New Jersey: <https://www.lsnj.org/>
- New Jersey Division of Taxation property tax relief resources:
<https://www.nj.gov/treasury/taxation/relief.shtml>

SECTION

Worksheets And Checklists

Foreclosure Situation Checklist

- ☐ Confirm property address and block/lot.
- ☐ Confirm owner of record (living, deceased, or entity).
- ☐ Confirm the loan servicer and loan number.
- ☐ Confirm how many payments are behind.
- ☐ Confirm whether an NOI has been received.
- ☐ Confirm whether a complaint and lis pendens have been filed.
- ☐ Confirm the answer deadline, if served.
- ☐ Confirm whether judgment has been entered.
- ☐ Confirm whether a sheriff sale is scheduled.
- ☐ Confirm estate authority, if the owner has died.
- ☐ Confirm taxes, utility, HOA, and municipal lien status.

- ☐ Confirm the next controlling deadline.

Foreclosure Timeline Checklist

- ☐ First missed payment date: _____
- ☐ NOI received date: _____
- ☐ Complaint / lis pendens filed: _____
- ☐ Date served: _____
- ☐ Answer deadline: _____
- ☐ Mediation requested: _____
- ☐ Default entered: _____
- ☐ Final judgment date: _____
- ☐ Writ of execution issued: _____
- ☐ Sheriff sale date: _____
- ☐ Adjournment dates used: _____
- ☐ Post-sale redemption deadline: _____

Questions To Ask The Servicer Worksheet

Use this page while calling the mortgage servicer. Name of person spoken to: _____
 Date/time: _____ Reinstatement amount: _____ Reinstatement
 good-through date: _____ Full payoff amount: _____ Loss-mitigation options
 offered: _____ Modification documents needed: _____ Effect on sale date:
 _____ Reference / confirmation number: _____

Equity Preservation Checklist

- ☐ Get the written reinstatement amount.
- ☐ Get the written full payoff amount.
- ☐ Get second mortgage / HELOC payoff, if any.
- ☐ Confirm property taxes and any tax sale certificate.
- ☐ Confirm water/sewer/utility balances.
- ☐ Confirm HOA and municipal liens.
- ☐ Order a title search if selling or refinancing.
- ☐ Confirm estate authority, if applicable.
- ☐ Identify the sheriff sale date and any adjournment options.
- ☐ Compare reinstatement, modification, sale, short sale, and deed in lieu.
- ☐ Keep written copies of all figures and correspondence.

SECTION

Frequently Asked Questions

1. Is New Jersey A Judicial Foreclosure State?

Yes. New Jersey requires foreclosures to go through the Superior Court, Chancery Division, General Equity Part. A lender must file a lawsuit and obtain a court judgment before a county sheriff can sell the property at a sheriff sale.

2. How Long Does Foreclosure Take In New Jersey?

It varies, but New Jersey foreclosures often take many months and sometimes longer because they move through the courts. The exact timeline depends on the loan, the servicer, court scheduling, whether the case is contested, and county sheriff sale calendars.

3. What Is A Notice Of Intention To Foreclose?

It is a required pre-foreclosure notice for most residential mortgages under New Jersey's Fair Foreclosure Act. It is generally sent at least 30 days before a complaint is filed and explains the default and how to cure it.

4. What Is A Lis Pendens?

A lis pendens is a recorded notice that a lawsuit, such as a foreclosure, affects the property's title. It does not transfer ownership or mean the home is lost; it alerts the public that litigation is pending.

5. How Long Do I Have To Respond To A Foreclosure Complaint In New Jersey?

A defendant generally has 35 days from the date of service to file an answer. Confirm the exact deadline in your papers with a New Jersey attorney or court resource, because timing depends on how service occurred.

6. What Happens If I Do Not Answer The Complaint?

If no answer is filed, the lender can ask the court to enter a default and proceed toward final judgment. Responding, even when keeping the home is not the goal, generally preserves options and information.

7. What Is The Difference Between Default Judgment And Final Judgment?

A default means the defendant did not respond. Final judgment is the court order that fixes the amount owed and authorizes the next step, the issuance of a writ of execution and a sheriff sale.

8. What Is A Sheriff Sale?

A sheriff sale is a public auction conducted by the county sheriff after final judgment and a writ of execution. The property may be sold to the highest bidder, which is often the foreclosing lender or a third-party investor.

9. Can I Stop A Sheriff Sale In New Jersey?

Sometimes. Options can include reinstating (if still available), redeeming, requesting a statutory adjournment, completing a sale, pursuing loss mitigation, or, in some cases, filing bankruptcy, which can trigger an automatic stay. These are time-sensitive, so confirm options quickly with an attorney.

10. What Is Reinstatement?

Reinstatement is bringing the loan current by paying the past-due amount plus allowable fees and costs, rather than the full balance. Under New Jersey's Fair Foreclosure Act, residential borrowers generally have the right to reinstate up to the entry of final judgment.

11. What Is Redemption In A Mortgage Foreclosure?

Redemption is paying the full amount required to satisfy the judgment and recover the property. In New Jersey, it is most relevant near and shortly after the sheriff sale, during the brief statutory period before the sale is confirmed.

12. Can I Get A Loan Modification While In Foreclosure?

Often yes. Loan modification is a loss-mitigation option that can sometimes be pursued while a case is pending. Applying does not automatically stop court deadlines or a sale, so confirm in writing how it affects your timeline.

13. What Is The New Jersey Foreclosure Mediation Program?

It is a program that brings the homeowner, the lender, a neutral mediator, and often a housing counselor together to discuss alternatives to foreclosure, such as a modification. It is generally available for owner-occupied residential properties and can run alongside the court case.

14. Can Bankruptcy Stop A Foreclosure?

Filing bankruptcy generally triggers an automatic stay that temporarily pauses foreclosure and a scheduled sheriff sale. Chapter 13 can allow repayment of arrears over time. Bankruptcy is a major legal decision and should be evaluated with a qualified attorney.

15. Can I Sell My House During Foreclosure In New Jersey?

Often yes. Because foreclosure is judicial and takes time, many homeowners sell before the sheriff sale. If the property has equity, a sale can pay the mortgage and liens, with remaining proceeds going to the owner or estate.

16. What Is A Short Sale?

A short sale is selling the property for less than the mortgage balance, with the lender's approval to accept the reduced payoff. It is used when there is little or no equity, and it requires lender cooperation and documentation.

17. What Is A Deed In Lieu Of Foreclosure?

A deed in lieu is a voluntary transfer of the property to the lender to satisfy the loan, when the lender agrees. It is generally considered when there is little or no equity. With significant equity, a standard sale usually preserves more value.

18. What Happens To My Home Equity In A Foreclosure?

If the home sells for more than the debt and costs at the sheriff sale, the leftover surplus funds may belong to the former owner or estate after junior liens are addressed. Surplus usually must be claimed through a court process, so equity is not automatically lost but does require action.

19. What Is A Deficiency Judgment?

A deficiency is a remaining balance if the sale does not cover the full debt. New Jersey regulates deficiency actions, with strict timeframes and defenses such as fair market value. Anyone facing a deficiency claim should consult an attorney.

20. What Happens To A Mortgage When The Homeowner Dies?

The loan does not disappear. Payments, taxes, and insurance continue, and the loan can default during probate. Heirs usually need estate authority, such as Letters Testamentary or Letters of Administration, before fully acting with the servicer.

21. Can Heirs Stop A Foreclosure On An Inherited Home?

Often the estate can pursue reinstatement, modification, refinance by a qualifying heir, or a sale to preserve equity. The first steps are confirming estate authority through the county surrogate and requesting the loan status and figures in writing.

22. How Does A Reverse Mortgage Foreclosure Work After Death?

A reverse mortgage generally becomes due and payable when the last borrower dies or moves out. Heirs are usually given a timeframe to repay, sell, or resolve the loan. Most reverse mortgages are non-recourse, but the due-and-payable timeline still matters.

23. What If Multiple Heirs Disagree About A Home In Foreclosure?

Disagreement can stall decisions while the timeline continues. Confirm who has authority, get the loan and title facts in writing, and consider mediation or, if needed, a court process. A probate attorney can help when heirs cannot agree.

24. Do Property Taxes Affect Mortgage Foreclosure?

They are separate problems that can occur together. Unpaid taxes can lead to a tax sale certificate and a separate tax foreclosure. Resolving the mortgage does not clear delinquent taxes, and redeeming a tax certificate does not cure a mortgage default.

25. Can An Hoa Foreclose In New Jersey?

In some circumstances, a community association can pursue collection and, in certain cases, a lien or foreclosure action for unpaid dues and assessments, separate from the mortgage. HOA balances should be confirmed and addressed in any payoff or sale.

26. How Do I Avoid Foreclosure Scams?

Be cautious of upfront fees, guarantees to stop foreclosure, pressure to sign quickly, requests to sign over the deed, or instructions to stop talking to your lender. Use HUD-approved counselors and licensed New Jersey attorneys, and have documents reviewed

before signing.

27. Should I Call Viera Investment Group Llc Before Or After Contacting My Lender?

For loan status, reinstatement, and modification information, contact the servicer or a housing counselor first, or gather the loan documents. Viera Investment Group LLC can help discuss property-sale options, but loan and payoff figures must come from the servicer.

28. What Is The Most Important First Step If I Feel Overwhelmed?

Identify the stage: behind on payments, NOI received, complaint served, judgment entered, sheriff sale scheduled, or sale completed. The stage determines which professionals, documents, and deadlines matter most right now.

SECTION

You May Also Find These Guides Helpful

- Guide #1 - New Jersey Property Tax Survival Guide (2026). For homeowners, heirs, and executors dealing with delinquent property taxes, tax sale certificates, redemption, and tax foreclosure, which can

overlap with mortgage foreclosure.

- New Jersey Reverse Mortgage After Death Guide (2026). For heirs and estate representatives handling due-and-payable reverse mortgage notices, payoff, non-recourse options, sale, and title issues.
- Guide #3 - New Jersey Inherited House Decision Guide (Planned). For heirs, executors, and families weighing whether to keep, sell, or refinance an inherited property, including those facing foreclosure or liens.

SECTION

Guided Next Reading

Use these website resources for deeper topic-specific reading:

- If you want the overall court timeline in detail, read </nj/new-jersey-judicial-foreclosure-timeline-2026.html>.
- If a lis pendens has been filed and you want to know what happens next, read </nj/what-happens-after-lis-pendens-filed-new-jersey-2026.html>.
- If you are wondering how far behind leads to foreclosure, read </nj/how-many-payments-can-you-miss-before-foreclosure-new-jersey-2026.html>.
- If you need general help staying in the home, read </nj/stop-foreclosure-new-jersey-2026.html> and </nj/help-with-mortgage-new-jersey-2026.html>.
- If a sheriff sale has already been scheduled, read </nj/can-new-jersey-foreclosure-be-stopped-after-sheriff-sale-scheduled-2026.html>.
- If you are considering selling before foreclosure, read </nj/behind-on-payments-sell-house-before-foreclosure-new-jersey-2026.html>.
- If the property is inherited and heirs want to stop foreclosure during probate, read </nj/can-heirs-stop-foreclosure-during-probate-new-jersey-2026.html>.
- If a reverse mortgage is involved, read </nj/reverse-mortgage-foreclosure-probate-new-jersey-2026.html> and </nj/reverse-mortgage-foreclosure-timeline-heirs-new-jersey.html>.
- If the home is vacant and in probate, read </nj/vacant-house-foreclosure-during-probate-new-jersey-2026.html>.
- If a tax sale certificate is also involved, read </nj/tax-sale-certificate-foreclosure-new-jersey-2026.html> and </nj/inherited-house-tax-foreclosure-new-jersey-2026.html>.
- If utility or pre-foreclosure liens are a concern, read </nj/pre-foreclosure-tax-liens-utility-liens.html> and

'/nj/utility-liens-vacant-inherited-property-new-jersey-2026.html'.

- For estate context, read '/resources/estate-debt-creditor-claims-new-jersey.html',

'/resources/executor-issues-new-jersey.html', '/resources/multi-heir-property-disputes-new-jersey.html', and '/resources/what-to-do-after-someone-dies-new-jersey.html'.

SECTION

Educational Guidance Cta

Foreclosure timelines, court documents, reinstatement and redemption figures, loan modifications, mediation, bankruptcy considerations, probate authority, reverse mortgage notices, tax and lien issues, and sale decisions can overlap in ways that are difficult to sort out from one notice or one phone call. Viera Investment Group LLC is available as an educational resource if you would like help understanding the real estate options connected to the property. The first step is not pressure to make a decision. The first step is clarification: identifying the stage, the documents, the deadlines, and the questions that may need to be answered by a mortgage servicer, attorney, housing counselor, county sheriff, county surrogate, title company, municipal office, or other qualified professional. If selling the property is one option you are considering, Viera Investment Group LLC can explain how a property sale may interact with a mortgage payoff, reinstatement or redemption figures, tax and municipal liens, HOA balances, probate documents, reverse mortgage payoffs, and closing timelines. There is no substitute for professional advice, and there is no need to make a decision before the facts are clear.

SECTION

One-Page Quick Reference Summary

Timeline

Missed payment -> Notice of Intention to Foreclose -> complaint and lis pendens -> 35-day answer period -> default / final judgment -> writ of execution -> sheriff sale -> confirmation and post-sale.

Decision Tree

- Behind, no complaint: contact the servicer; ask for reinstatement and modification figures.
- Served a complaint: calendar the 35-day answer deadline; speak with an attorney; consider mediation.
- Judgment or sale scheduled: confirm the sale date; ask about adjournments and redemption.
- Owner deceased: contact the county surrogate; confirm estate authority.
- Selling or refinancing: order title; confirm every payoff and deadline.

Major Contacts

- Mortgage servicer
- HUD-approved housing counselor
- New Jersey attorney
- County sheriff's office

- County surrogate
- Title company or closing attorney
- Viera Investment Group LLC for property-sale guidance

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Key Takeaways

- New Jersey foreclosure is judicial; ownership transfers at the sheriff sale, not before.
- Reinstatement cures arrears (up to final judgment); redemption pays the full amount near the sale.
- Final judgment is a milestone, not the finish line.
- Probate, reverse mortgages, taxes, and liens can overlap and need separate confirmation.
- Equity is usually easier to protect before the sheriff sale.

Immediate Next Steps

- Identify the current stage.
- Gather loan, court, title, tax, and estate documents.
- Request written reinstatement and payoff figures.
- Confirm every deadline, including any sale date.
- Ask the right professional questions before choosing a path.

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Edition

New Jersey Foreclosure Survival Guide, Edition 1.0. Published 26 June 2026.

This guide is reviewed and updated as New Jersey court procedure, sheriff sale practice, mediation programmes and foreclosure law change. Statutory references, including the Fair Foreclosure Act at N.J.S.A. 2A:50-53 and following, and all official links should be confirmed against the issuing office before you rely on them, because dates and procedures can change between editions.

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