

ELK COUNTY SHERIFF REAL ESTATE SALES



FREQUENTLY ASKED QUESTIONS

Please note: This document can also be found on our website.

What is a Sheriff Sale?

A Sheriff Sale is an execution on a judgment that may be taken on Real Estate and/or Personal Property to satisfy a debt.

When and where do Sheriff Sales take place?

Generally, sales are held monthly (on a Thursday at 1:00 p.m.) in the small courtroom on the second floor of the Elk County Courthouse, 250 Main Street, Ridgway, PA. Sales are usually not scheduled during the month of December. Please see sale listing on our website or in the Sheriff's Office for actual sale dates.

Do Sheriff Sales differ from Tax and Judicial Sales?

Yes, there are significant differences. For information regarding Tax and Judicial Sales, please contact the Elk County Tax Claim Bureau at 814-776-5326.

Where are Sheriff Sales advertised?

Sheriff Sales are advertised in *The Daily Press* for properties located in St. Marys, Kersey, Weedville, Byrnedale, Force and Benezette. If the property is located in Ridgway, Johnsonburg, Wilcox, James City, Brockport or Sigel, it is advertised in *The Ridgway Record*. Sales are advertised three consecutive weeks prior to the Sale. All sales are posted in the Sheriff's Office for review, as well as on our website.

Can a Sheriff Sale be postponed?

Yes, sales can be postponed twice within 130 days of the *original* sale date. The property usually will not be re-advertised in the newspaper.

What stops a Sheriff Sale?

A Sheriff Sale can be stopped by (1) the writ being stayed – that is all proceedings involving the sale of the property are stopped; (2) a court order; (3) a bankruptcy being filed; (4) debtor makes payment or comes to an agreement directly with the mortgage holder.

Can I inspect a property I may be interested in prior to the sale?

No. Neither the Sheriff nor the Mortgage Company has physical access to the property. The property is owned by the debtor until sold at Sheriff Sale and not available for inspection.

What determines the amount of money the property will be sold for?

The upset price is a pre-determined amount the bank intends to bid to. It may be more or less than the judgment amount. The Sheriff's Office does not know this amount. A representative for the plaintiff (mortgage company or judgment holder) will be present to bid at the sale.

How do I purchase a property at Sheriff Sale?

Potential bidders must attend the sale at the date and time advertised. The sale is a public auction and verbal bids will be accepted. The opening bid will start at the amount of Sheriff Costs – which includes all fees associated with processing the sale and may include current/delinquent taxes, water/sewer, advertising costs, etc. Sheriff costs will be announced at the time of the sale. The successful bidder is required to pay 10% of the bid price at the time of the sale either by cash, money order or cashier's check. The remaining amount must be paid within thirty days of the sale. The successful bidder will also be required to pay Poundage and Realty Transfer Taxes.

Poundage is a 2% fee or commission based upon the total amount of the successful bid (per the Sheriff's Fee Act).

Realty Transfer Tax - Pennsylvania law provides for a state and local tax on the sale of real estate. 1% PA Tax and 1% Local Tax. The amount is based on the total assessed value multiplied by the common level ratio value, which is established by the Department of Revenue.

Is a property or deed search completed on the property prior to sale?

The Sheriff does not guarantee clear title to any property sold at Sheriff Sale. This means that any liens that follow the property may become the responsibility of the successful bidder. There may be other matters that also affect the title of the property; therefore any interested bidder may wish to consult with an attorney prior to the sale.

When am I able to take ownership of the property?

The bidder becomes the owner when the full bid amount is paid and accepted by the Sheriff. However, the ownership is only perfected upon the recording of the deed. Therefore, it is suggested that bidders should take no action with the house until the deed is recorded.