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Sheriff's Foreclosure Sales:

**THE FOLLOWING INFORMATION IS NOT TO BE CONSIDERED LEGAL
ADVICE AND IS NOT INTENDED TO REPLACE AN ATTORNEY**

As Sheriff's Sales are buyer beware, it is highly recommended you contact an attorney before purchasing at a Sheriff's Sale as you may not be purchasing what you think you are. The Butler County Sheriff's Office cannot give legal advise.

Frequently Asked Questions

1. Q: Do I have to pay the full amount of my bid the day I purchase?

A: Yes.

2. Q: Can I enter the residence I plan to purchase?

A: No, if the residence is unoccupied.
Yes, if the residence is occupied and you get permission to enter from the residents.

3. Q: Does the Sheriff's Office have keys to the residence?

A: No. And the Sheriff's Office cannot give permission for you to enter a residence.

4. Q: How do I pay for a purchase at a Sheriff's Sale?

A: You may "hold" your bid by writing a personal check to the Butler Sheriff for the full amount you bid if your check is accompanied by a Letter of Guarantee from the bank you are writing the check on. Depending on where you bank, you will be given enough time to go to your bank and get a cashier's check for the full amount you bid and return it to the Butler Co Sheriff. At that time you will receive back your personal check. In any event, this transaction must be completed by noon of the day of the sale.

Another possibility is if you know the maximum you are going to bid, you may have a cashier's check for that amount already made payable to the Butler Sheriff. If your actual bid is less than that you will be refunded the difference.

5. Q: What happens if I am the highest bidder and change my mind about buying the property?

A: Pursuant to the Code of Iowa, 626.85, the judgment holder may proceed against you for the amount you

bid. If the judgment holder does not wish to proceed against you, the sale will be treated as a nullity and the Sheriff's Office will then proceed as mandated by the Code of Iowa.

6. Q: How does the bidding start?

A: The judgment holder almost always starts the bidding. Generally, the judgment holder bids in writing a plaintiff's bid on judgment. This bid is usually given to the Sheriff's Office before the day of the sale. The judgment holder's bid, if given to the Sheriff prior to the sale, is considered a sealed bid and will not be disclosed until the sale is called.

7. Q: If I purchase at a Sheriff's Sale, who is responsible for back property taxes?

A: Taxes stay with the property. If you made the purchase, you are now responsible for the taxes.

8. Q: If I purchase and there is a redemption period, when do I get a Sheriff's Deed?

A: If you purchase property with a redemption period, you will be issued a Certificate of Purchase. When the redemption period is up, you may then return the original Certificate of Purchase to the Sheriff and you will then receive a Sheriff's Deed. It is very important you do not lose the original Certificate of Purchase. If you lose it, you will not receive a Sheriff's Deed until you get a court order directing the Sheriff to issue you a duplicate Certificate of Purchase. (626.96) If you fail to have a Sheriff's Deed issued within 8 years after the date of issuance of the Certificate of Purchase, the Sheriff's Sale will be cancelled. (626.97)

9. Q: What does redemption period mean?

A: If the sale notice indicates there is a redemption period, that is the amount of time the defendant has the right to redeem the real estate after the sale. If the defendant makes redemption, this must be completed at the Butler Co Clerk of Court's Office.

10. Q: If I purchase and there is a redemption period, can I enter the property before the redemption period is up?

A: This is a question for your attorney.

11. Q: When I get a Sheriff's Deed, what do I do next?

A: This is a question for your attorney.

12. Q: If I get a Sheriff's Deed and there are people living there, how do I get them out? Do I have to go through the eviction process?

A: These are questions for your attorney.

13. Q: What is the difference between a Special Execution and a General Execution?

A: In a Special Execution, the Court directs what the Sheriff shall sell. In a General Execution, the plaintiff directs the Sheriff what to sell. If the plaintiff directs the Sheriff to sell real estate pursuant to a General Execution, the Sheriff sells only the right, title and interest the defendant has in the real estate. Before bidding for any real estate at a Sheriff's Sale, it is wise to consult an attorney.

14. Q: If I purchase at a Sheriff's Sale, what name(s) and how should I have them typed on the Sheriff's

Deed or Certificate of Purchase?

A: This is a question for your attorney.

15. Q: Can the Sheriff's Office recommend an attorney?

A: Absolutely not.

16. Q: If I purchase property at a Sheriff's Sale, do I get clear title?

A: Clear title is not guaranteed to real property sold at a Sheriff's Sale.

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