HANCOCK COUNTY, IOWA / SHERIFF

Sheriff Sale Process

Frequently Asked Questions

The Sheriff’s Office can not give out legal advice, it is advised that you contact an attorney with any questions.

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01 Do I have to pay the full amount of my bid the day I purchase?

Yes.

02 Can I enter the residence I plan to purchase?

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

03 Does the sheriff have keys to the residence?

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

04 How do I pay for a purchase at a sheriff’s sale?

You will need to have a letter of guarantee from the bank that you will be getting a cashier’s check from prior to the Sale. Depending on where you bank, you will be given enough time (2 hours) to go to your bank and get a cashier’s check for the full amount you bid and return it to the Hancock County Sheriff's Office.

05 What happens if I am the highest bidder and change my mind about buying the property?

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 will then proceed as mandated by the Code of Iowa.

06 How does the bidding start?

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 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.

07 If I purchase at a sheriff’s sale, who is responsible for back property taxes?

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

08 If I purchase and there is a redemption period, when do I get a sheriff’s deed?

If you purchase property with a redemption period, you will be issued a certificate of purchase. When the redemption period is up, and the property has not been redeemed by the defendant, 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 that 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)

09 What does redemption period mean?

If the sale notice indicates there is a redemption period; that is the amount of time that the defendant has right to redeem the real estate after the sale. If the defendant makes redemption, this must be completed at the Hancock County Clerk of Court’s Office.

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

This is a question for your attorney.

11 When I get a sheriff’s deed, what do I do next?

That is a question for your attorney.

12 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? These are questions for your attorney.

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

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 that 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 If I purchase at a sheriff’s sale, what names(s) and how should I have them typed on the sheriff’s deed or certificate of purchase?

This is a question for your attorney.

15 Can the Sheriff’s Office recommend an attorney?

Absolutely not.

16 If I purchase property at a sheriff’s sale, do I get clear title?

Clear title is not guaranteed to real property sold at a sheriff’s sale. All sales are considered "buyers beware". It is recommended you contact an attorney and research the property, prior to bidding.