

Comparison of Judicial and Non-Judicial Foreclosures

	Judicial	Non-Judicial
Method of Initiation	Lender files complaint in state court	Lender serves borrower with notice of intent to foreclose and advertisement of sale
Notice Required	Service of complaint, and upon judgment of foreclosure, notice of sale	Notice of default and notice of sale
Adjudication	Civil litigation	Borrower may file quiet title action in court to contest foreclosure sale's transfer of title to purchaser
Disposition Following Order of Foreclosure	Property scheduled for sale (typically sheriff's sale)	Property sold via advertised sale
Officials Involved	Courts	County Recorder
Loan Documents	Mortgage	Deed of Trust with power of sale clause
States Using Process	Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Carolina, Vermont, Wisconsin	Alabama, Alaska, Arizona, Arkansas, California, Colorado, District of Columbia, Georgia, Hawaii, Idaho, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Oklahoma, Oregon, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Washington , West Virginia, Wyoming

Source: <http://www.nolo.com/legal-encyclopedia/chart-judicial-v-nonjudicial-foreclosures.html>

Washington Foreclosure Law Summary

Topic	Law
Most Common Foreclosure Process	Non-Judicial under power of sale in deed of trust
Notice of the Foreclosure	Foreclosing party must contact (or meet the requirements for attempting to contact) borrower at least 30 days before issuing notice of default to inform him or her about the opportunity to meet with the lender to try to work out an alternative to the foreclosure. A notice of default must be served on borrower 30 days before notice of sale is recorded or served. The notice of default must be served by both first-class mail and by registered or certified mail, return receipt requested, and by either posting the notice on the premises in a prominent place or by personal service on borrower. Foreclosing party must mail a copy of the notice of sale to the borrower and post on the property (or serve the occupant a copy) at least 90 days (or 120 days in some cases) before sale date. The notice of sale must also be published in a newspaper. No sale may occur within 190 days after the date of default.
Reinstatement of Loan Before Sale	Available any time prior to 11 days before sale
Redemption After Sale	Unavailable
Special Protections for Foreclosures Involving High-Cost Mortgages	None
Special State Protections for Service Members	Similar to federal Service members Civil Relief Act. Applies to any resident of Washington state who is a member of the national guard or member of a military reserve component. Wash. Rev. Code §§ 38.42.010 to 38.42.904.
Deficiency Judgments	Not allowed
Cash Exempted in Bankruptcy	About \$12,725 for one person, \$25,450 for a married couple under federal bankruptcy exemptions. \$1,500 (\$3,000 if married filing jointly) under state bankruptcy exemptions.
Notice to Leave After House is Sold	New owner entitled to possession on 20th day after the foreclosure sale and may then file eviction (unlawful detainer) lawsuit. The purchaser has a right to summary proceedings to obtain possession.
Foreclosure Statutes	Wash. Rev. Code §§ 61.24.020 to 61.24.140