



Clearwater County Sheriff's Office

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BASIC REQUIREMENTS FOR SHERIFF'S SALE OF REAL PROPERTY

These are some of the instructions and/or documents we (as civil deputies) are mandated to receive regarding Sheriff's sales:

Letter of Instruction: addressed to the correct county; signed by plaintiff or attorney for plaintiff; contain the legal description of the property to be sold; name and address of the defendant.

Writ of Execution: Original and at least two (2) copies (special note: see Idaho Code 8-506(1) & (2) will explain reason must have a writ of execution even on foreclose sales); must be directed to Sheriff of the County where the property is to be seized and sold; signed by judge of the county where the writ originated or signed and sealed by the clerk/deputy and sealed with the court seal; have a case number consistent with all the other paperwork.

Judgment: copy which provides proof for the writ and what was awarded to whom

Notice of Levy: must have same case number as writ; must be from same court; must contain legal description of the real property to be seized and sold; will be signed and date by the sheriff.

Notice of Sheriff's Sale: must be from same court; have same case number; have full legal description of property to be seized and sold; have blank spaces to list the date, time, and place of sale (will be coordinated with the plaintiff or attorney for plaintiff); will be signed and dated by the deputy issuing the notice of sheriff's sale; should contain information pertaining to length of redemption (see Idaho code 11-402); should specify the type of money or currency required (see Idaho Code 11-302(3)).

Certificate of Sale: plaintiff or attorney for plaintiff should provide this document; it should contain the full description of the real property sold; total price bid; redemption period; what kind of money or currency; date and to whom the property was sold.

Sheriff's Deed: plaintiff or attorney for plaintiff should provide this document; it should contain names of plaintiff and defendant; legal description of property sold; name of the buyer; purchase amount; date the certificate of sale was issued; whether or not redemption was effected; to be signed and dated by sheriff and notarized. If there is redemption, the plaintiff or attorney for plaintiff should provide this document; redemptioner is entitled to a Sheriff's deed upon the expiration of the redemption period as well. (See Idaho Code 11-404 & 11-405)