Idaho County Sheriff's Office

320 West Main
Grangeville, 83530

Phone 208-983-1100
Fax 208-983-1359

Doug Giddings, Sheriff **Jim Gorges, Undersheriff**

BASIC REQUIREMENTS FOR SHERIFF'S SALE OF REAL PROPERTY

Letter of Instruction: Must be signed by the Plaintiff or Attorney (no legal assistants or secretaries); the names and addresses of all defendants/parties; contain the legal description of the property to be sold

Attorney/Plaintiff must supply sufficient copies of all documents for all defendants/parties and large manila envelopes addressed to each defendant/party

Writ of Execution - Must have the following:

- Original and at least three (3) copies (special note: see Idaho Code 8-506(1) & (2) will explain the reason we must have a writ of execution even on foreclosure sales)
- be directed to the Sheriff of Idaho County
- be signed by the judge of the county where the writ originated or signed and sealed by the clerk/deputy and must have the court seal on it
- have a case number consistent with all other paperwork.
- The writ will be recorded pursuant to IC 8-506(1) Need separate check written to Idaho County Recorder. If you are uncertain of the cost please call the Recorder's office at 208-983-2751

Notice of Levy – attorney/plaintiff must supply copies for all defendants/parties

Must contain the following:

- The same case title/heading/number as the Writ.
- Contain a legal description of real property to be seized and sold.
- We will notarize (this will be recorded pursuant to IC 8-506(1))
- Should contain information pertaining to the length for redemption (IC 302-(3) or this may be on the Notice of Sheriff Sale

Order of Sale – attorney/plaintiff must supply copies for all defendants/parties

- This will be recorded pursuant to IC 8-506(1)

Judgment (if applicable)

- One copy which provides proof for the writ and what was awarded to whom
- This will be recorded pursuant to IC 8-506(1)

Notice of Sheriff's Sale

One (1) paper copy and MUST also be emailed to pcasey@idahocounty.org in a Word document format- NO PDF files (we email this to the newspaper for publication)

Must contain the following:

- have same case title/heading/number as above
- contain a full legal description of property and per code IC 60-113 it must also have a street address or other information which would be of assistance to the public
- 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
- have the name and phone number of a person, firm or business office from whom The information concerning the property may be obtained.
- Should contain information pertaining to length of redemption (see Idaho code 11-402)
- specify the money or currency required (see Idaho Code 11-302(3)

Certificate of Sale – supplied by attorney or plaintiff

Must contain the following (see Idaho Code 11-310)

- Full legal description of the real property sold
- The amount bid for each distinct parcel or lot (this will be blank and filled in at time of sale)
- The total amount bid (this will be blank and filled in at time of sale)
- Whether the property is subject to redemption
- What kind of money or currency is required for redemption (Must be the same as the kind listed in the judgment)
- There will be a $5.00 fee for executing the certificate of sale, exclusive of the filing and recording of same

Sheriff's Return on Sale – supplied by attorney or plaintiff

Should include:

- Full legal description
- Date, time and location of the sale
- Information on posting (that the Notice of Sale was posted and published pursuant to Code.)
- Name of the purchaser (this will be blank and filled in at time of sale)
- Amount of bid, as well as all costs, fees and commissions (this will be blank and filled in at time of sale)
- Whether or not the judgment was satisfied or unsatisfied

Sheriff's Deed – supplied by attorney or plaintiff

Should include:

- The names of the Plaintiff and the Defendant
- The full legal description of the property sold
- The date, time and location of the sale
- The name of the purchaser (this will be blank and filled in at time of sale)
- The amount bid (this will be blank and filled in at time of sale)
- Whether or not redemption was effected
- Notarized signature of Sheriff (after redemption time has expired)
  The Sheriff's Deed, once issued by the Sheriff, is recorded with the county recorder. These recording fees will be paid for by the purchaser in advance, as well as a $10.00 fee for executing the deed.

Advanced Sheriff's Fee

- A minimum deposit of **$500** is required to get the process of sale started. This will be credited towards a credit bid or refunded in the event of a cash bidder. Total fees are not required in advance; however they are expected at the time of sale in the event of a credit bid.
- A separate check written out to the Idaho County Recorder for exact recording fee amount
- Any photocopies, postage, etc. that we supply will be subtracted from the deposit fee

PLEASE USE INDIVIDUAL PAGES – NO TWO- SIDED DOCUMENTS