

CLARK COUNTY SHERIFF'S DEPARTMENT

**Policy** Sheriff Sales  
**Effective Date** August 1, 2010  
**Subject** Sheriff's Sales and Fees

**Reference/Special Instructions**

This policy establishes fee and scheduling structure, posting of Notice of Sale, and associated actions.

**Distribution** All sworn personnel  
**Reevaluation Date** 01-2012 or earlier if needed  
**No. Pages** 7

**I. PURPOSE**

It is the purpose of this policy to provide Sheriff's Department staff with guidelines associated with the statutory responsibilities related to Sheriff's Sales and required actions related to them.

**II. POLICY**

It is the policy of this law enforcement agency that staff shall adhere to the requirements established herein in order to ensure that Sheriff's Sales are conducted in accordance with Wisconsin Statutes and department guidelines.

**III. DEFINITIONS**

- Fee Structure – Statutory fees charged by the Sheriff's Department
- Scheduling – Date and time Sheriff's Sales are conducted
- Posting of Notice – Required copies provided to Sheriff's Department
- Day Before Sale – Required contact, submission of opening bid
- Date of Sale – Sale location, required announcements
- Real Estate Transfer Fee – Required fees deducted from sale proceeds
- After the Sale – Required information submitted to Sheriff's Department

## IV. PROCEDURES

### A. Fees/Scheduling

1. Clark County Sheriff's Sale fees are as follows:
  - i. One or more parcels sold as one
    1. \$150 foreclosure processing fee due when sending in the posting notice, the second and subsequent adjourned posting notice, with no refund if cancelled.
  - ii. Two or more parcels sold separately
    1. \$150 foreclosure processing fee, for each parcel, due when sending in the posting notice, the second and subsequent adjourned posting notice, with no refund if cancelled. If there is an alternate multiple sale, the fee is based on each parcel, whether the outcome is sold as a whole or in parcels.
2. Clark County sales are held on Wednesdays at 10 AM.
3. The plaintiff's attorney or their assignee shall call and reserve a date for the sale with the Clark County Sheriff's Department's Administrative Assistant at 715-743-5278.
4. The Administrative Assistant will enter the plaintiff's name, defendant's name, along with case number and law firm's name in the computer's scheduling calendar to hold the date.
5. The plaintiff's attorney or their assignee should obtain the current Sheriff's Sale Policy and Procedures from the county's website:  
<http://www.co.clark.wi.us/ClarkCounty/departments/sheriff/>
6. The plaintiff's attorney or their assignee should obtain the current Clark County "Notice for Foreclosure Sale" template from the county's website, which is:  
<http://www.co.clark.wi.us/ClarkCounty/departments/sheriff/>  
All notices for Clark County are required to use this template before being signed by the Sheriff.

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7. If a sale needs to be cancelled, the plaintiff's attorney or their assignee shall send a cancellation notice via fax (715-743-4350), which will be posted on the County's website.
8. If a sale needs to be adjourned, the plaintiff's attorney or their assignee needs to call the Administrative Assistant at 715-743-5278 to reschedule. A letter confirming the adjournment, an "ADJOURNED" notice for posting, and the additional appropriate fees are required.

**B. Posting Notice of Sale**

1. Any Sheriff's Sale paperwork should be addressed to:  
Clark County Sheriff's Department, Attention:  
Administrative Assistant, 517 Court Street, Room 308,  
Neillsville, WI 54456.
2. If the sale is within the City of Neillsville, an original and two (2) copies of the notice are required:
  - i. An original for the Sheriff to sign
  - ii. One to post at the Clark County Courthouse
  - iii. One to post on the County's website and for reading the day of the sale (type /s/ [current Sheriff's name] on the signature line)
3. If the sale is outside the City of Neillsville, an original and three (3) copies of the notice are required:
  - i. An original for the Sheriff to sign
  - ii. One to post at the Clark County Courthouse
  - iii. One to post on the County's website and for reading the day of the sale (type /s/ [current Sheriff's name] on the signature line)
  - iv. One to post in the township/municipality/city where the property is located (type /s/ [current Sheriff's name] on the signature line)
4. When a notice of sale is received, the Administrative Assistant will check for accuracy on the date and time of the sale from the notice with the computer scheduling calendar. If accurate, the Sheriff will sign the notice.
5. The information from the notice and the cover letter from the plaintiff's attorney are entered into the computer and given a case number.

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6. A copy of the notice is scanned and e-mailed to the following:
  - i. County Clerk to enter on the County's website, which is  
[http://service.govdelivery.com/service/action/document.html?code=WICLARK\\_267](http://service.govdelivery.com/service/action/document.html?code=WICLARK_267)
  - ii. County Treasurer for her records
7. "Affidavits of Posting" are generated:
  - i. One completed by the Administrative Assistant with posting in the following locations in the City of Neillsville:
    1. Clark County Courthouse
    2. Clark County's website
  - ii. One completed by a deputy and returned to the Administrative Assistant after posting the notice in one public location within the township/municipality/city where the property is located.
8. After the affidavits are completed, the Administrative Assistant will enter the posting locations into the computer. The following originals are then returned to the plaintiff's attorney or their assignee:
  - i. Original Notice of Sale
  - ii. Affidavit(s) of Posting
  - iii. Paid invoice
9. A copy of the notice of sale is then filed in the Sheriff's Sale folder by date, along with any other paperwork pertaining to the sale.

**C. Day Before Sale**

1. The plaintiff's attorney or their assignee needs to contact the Clark County Sheriff's Department **no later than 1 PM the day before** the sale with their opening bid in one of the following ways:
  - i. Fax their bid to 715-743-4350, ATTENTION: Administrative Assistant
  - ii. Call 715-743-5278 and inform the Administrative Assistant that someone from the law firm will be at the sale in person and will announce the opening bid at that time.

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2. **IF THERE IS NO OPENING BID, THE SALE WILL BE ADJOURNED.**
3. The Administrative Assistant checks the tax role, using the tax parcel number from the notice, to see if there are any back taxes.
4. The Administrative Assistant checks with the local city clerk to see if there are any back city assessments, if applicable.
5. The Administrative Assistant will generate the "Successful Bidder" form, which consists of the opening bid, the amount of any back taxes, the amount of any city assessments, if applicable, and complete this form after the sale, if the successful bidder is a third party bidder.
6. The Administrative Assistant will generate the "Bidders" form, which will consist of the opening bid, the amount of any back taxes, and the amount of any city assessments, if applicable. This form will be used the day of the sale to record any third party bids.

**D. Date of Sale**

1. The Sheriff or his assignee shall conduct the Sheriff's Sale at the 3<sup>rd</sup> floor lobby entrance of the Clark County Courthouse, located at 517 Court Street, Neillsville, Wisconsin.
2. The person conducting the sale shall announce the sale by reading the information on the "Announcement at Sale" form.
3. The plaintiff or plaintiff's attorney normally makes the first bid. In their absence, the Sheriff or his assignee will announce the opening bid, as received via fax or letter from the plaintiff's attorney prior to the sale and then ask if there are any other bids. **IF THERE IS NO OPENING BID OR THERE IS NO REPRESENTATIVE FROM THE LAW FIRM PRESENT – THE SALE IS ADJOURNED.**
4. The amount of the bid and the person making the bid shall be recorded on the "Bidders" form.
5. Sale of property shall be awarded to the highest bidder.
6. If the successful bidder does not have the necessary 10% down payment, the sale shall be considered null and void and a new sale shall be conducted immediately.

**E. Real Estate Transfer Fee**

1. All third party buyers are required to pay the Real Estate Transfer fee. This fee is deducted from the proceeds of the sale by the Clerk of Courts Office after the confirmation hearing and forwarded to the Register of Deeds.

**F. After the Sale**

1. After a successful bidder is established and the property is awarded to a third party, the Sheriff or assignee will complete the "Successful Bidders" form and escort the successful bidder to the Clerk of Courts Office to make their minimum 10% down payment in cash, cashier's check, money order, or certified funds, payable to the Clerk of Courts Office. **NO PERSONAL CHECKS ACCEPTED.**
2. The Clerk of Courts Office will issue a receipt in the amount they receive for down payment, with a copy for their records, one for the successful bidder, and one to be attached to the "Successful Bidders" form. A copy of this completed form is given to the Clerk of Courts Office and one is faxed to the plaintiff's attorney or their assignee for their records.
3. The Administrative Assistant will enter the results of the Sheriff's Sale into the computer under the appropriate case number.
4. The Administrative Assistant will generate the "Announcing Results of the Sale for Web" form and e-mailed to the following:
  - i. County Clerk to enter on the Sheriff's page of the County's website, which is [http://service.govdelivery.com/service/action/document.html?code=WICLARK\\_268](http://service.govdelivery.com/service/action/document.html?code=WICLARK_268)
  - ii. County Treasurer for her records
5. If the plaintiff's attorney or their assignee wants the results of the sale, they can do one of the following:
  - i. contact the Administrative Assistant via telephone at 715-743-5278

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- ii. go to the county's website, which is [http://service.govdelivery.com/service/action/document.html?code=WICLARK\\_268](http://service.govdelivery.com/service/action/document.html?code=WICLARK_268)
6. The plaintiff's attorney will mail in the following to the Sheriff's Department at least one week prior to the confirmation of sale date so it can be properly filed with the Clerk of Courts prior to the hearing:
  - i. Sheriff's Deed, with appropriate information filled out, to be signed by Sheriff
  - ii. Report of Sale, with appropriate information filled out, to be signed by Sheriff
  - iii. Original Notice of Foreclosure Sale
  - iv. Posting affidavit(s)
  - v. Proof of publication
  - vi. eRETR receipt
  - vii. eRETR transfer return
7. The forms shall be reviewed for accuracy of successful bidder, winning bid, and case number by the Administrative Assistant and then forward the appropriate forms to the Sheriff for his signature.
8. The Administrative Assistant will take the completed above forms to the Clerk of Courts Office for filing.
9. The Administrative Assistant will scan all Sheriff's Sale paperwork for that case into the computer for future reference.

**Endnotes:**

- §815 Wisconsin Statutes Authorizing Sheriff's Sale's
- Resolution # 52-11-08 Clark County Resolution – Sheriff Fees
- Clark County's website <http://www.co.clark.wi.us/ClarkCounty/>

**Any unique situations not addressed in this policy can be assessed additional fees; therefore, please contact the Clark County Sheriff's Department at 715-743-5278 before sending in your notice.**