

CLARK COUNTY SHERIFF'S DEPARTMENT

**Policy** Sheriff Sales  
**Effective Date** November 12, 2008  
**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** 1-2010

**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 charge by the Sheriff's Department

Scheduling – Days and times 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. \$150 foreclosure processing fee due when sending in the posting notice, with no refund if cancelled
  - ii. \$150 foreclosure processing fee due when sending in the second and subsequent adjourned posting notice, with no refund if cancelled
2. Clark County sales are held only on Tuesdays, Wednesday, or Thursdays from 10:00 – 11:30 AM.
3. The plaintiff's attorney or their assignee will call and reserve a time and date for the sale with the Clark County Sheriff's Department's Administrative Assistant at 715-743-5278.
4. The Administrative Assistant enters 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 and time.
5. If the plaintiff's attorney or their assignee does not have the current Sheriff's Sale Policy and Procedures, the Administrative Assistant will direct them to the following website to obtain a copy:  
<http://www.co.clark.wi.us/ClarkCounty/departments/sheriff/>
6. If the plaintiff's attorney or their assignee does not have the current Clark County "Notice for Foreclosure Sale" template, the Administrative Assistant will direct them to the following website to obtain a copy:  
<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.
7. If a sale needs to be cancelled, the plaintiff's attorney or their assignee needs to call the Administrative Assistant at 715-743-5278. A letter confirming the cancellation is also required either via fax (715-743-4350) or mail.
8. If a sale needs to be adjourned, the plaintiff's attorney or their assignee needs to call the Administrative Assistant at

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715-743-5278 to reschedule. A letter confirming the adjournment, an "ADJOURNED" notice for posting, and the additional \$150 foreclosure fee is required.

**B. Posting Notice of Sale**

1. Any Sheriff's Sale paperwork should be address 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 four (4) copies of the notice are required:
  - i. An original for the Sheriff to sign
  - ii. One for reading the day of the sale (type /s/ [current Sheriff's name] on the signature line)
  - iii. Three to post (type /s/ [current Sheriff's name] on the signature line)
3. If the sale is outside the City of Neillsville, an original and seven (7) copies of the notice are required:
  - i. An original for the Sheriff to sign
  - ii. One for reading the day of the sale (type /s/ [current Sheriff's name] on the signature line)
  - iii. Six to post (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.
6. A copy of the notice is scanned and e-mailed to the following along with the "Announcing a Notice of Sheriff Sale for Web" form:
  - i. County Clerk to enter on the Sheriff's page of the County's website
  - ii. County Treasurer to keep her up-to-date on upcoming sales
7. "Affidavits of Posting" are generated:

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- i. One completed by the Administrative Assistant with posting in the following three locations in the City of Neillsville:
    1. Neillsville Public Library – lobby entrance
    2. Mid Wisconsin Bank – Neillsville Branch – lobby entrance
    3. Clark County Courthouse – third floor lobby entrance
  - ii. One completed by a deputy and returned to the Administrative Assistant after posting the notices in three public locations within the municipality 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 date 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
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.

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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 in the lobby of the Clark County Courthouse located at 517 Court Street in 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

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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
  - ii. County Treasurer to keep her up-to-date on sales
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
  - ii. go to the county's website <http://www.co.clark.wi.us/ClarkCounty/departments/sheriff/> and click on "Sheriff's Sale Results"
6. The plaintiff's attorney will mail in the following to the Sheriff's Department after the sale:
  - i. Sheriff's Deed, with appropriate information filled out, to be signed by Sheriff

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- 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 place a copy of the completed above forms in the Sheriff's Sale file with the other sale information.
  10. 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/>**